



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.21 OF 2025

Gurudev Bhimrao Gedam

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Pandharkawada, District Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Parvez W. Mirza, Counsel for the applicant.

Ms. M. A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/06/2025

1. The applicant came to be arrested on 11.06.2022 in connection with Crime No.679/2022 registered with Police Station Pandharkawada, District Yavatmal for the offence punishable under Sections 302, 201 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Karan Bandu Marape on an allegation that his maternal aunt was residing along with her husband. On 08.06.2022, she had been to Pandharkawada and thereafter, she got missing. On 10.06.2022, the dead body of the deceased was found and there were injuries on her person and the dead body was completely disrobed condition. On the basis of the said report, police have registered the crime against the present applicant as suspicion was raised against him. During the investigation, the applicant was arrested and on the basis of the

memorandum statement, the incriminating weapons knife as well as clothes were seized. After completion of the investigation, the Investigating Officer filed a charge-sheet against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that the entire case is rested on the circumstantial evidence. As far as the recovery of the weapon is concerned, the weapon was not found in blood stained condition. Except the last seen, there is no other material to connect the present applicant with the alleged offence. The another ground raised by him is that, there is inordinate delay in trial and, therefore, the right of the accused of a speedy trial enshrined under Article 21 of the Constitution of India is affected. In view of that, he be released on bail. In support of his contention, he placed reliance on the decision of this Court in **Criminal Appeal No.305/2024 [Shubham Laxminarayan Jaiswal vs. State of Maharashtra, Through Police Station Officer, Police Station, Wardha City, District Wardha and another]** dated 21.08.2024, **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another** reported in **2024 SCC OnLine SC 1693** and **Shriram Keshav Bhagat vs State of Maharashtra and Anr. in Special Leave to Appeal (Crl.) No.11839/2024** dated 05.11.2024.

4. Learned APP strongly opposed the said application and submitted that the manner in which the offence is committed the deceased has sustained several injuries on her person. The suspicion was raised as the deceased was suspected to have the illicit relations with the present applicant. The present applicant was last seen in the company of the deceased. There are CDR reports which shows the communication between the present applicant and the deceased. The knife is seized at the instance of the present applicant. Now charges are already framed. The trial is already commenced. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers as far as the involvement of the present applicant is concerned, which reveals from the circumstantial evidence as there are constant communication between the present applicant and the deceased as well as deceased was lastly seen in the company of the present applicant. Thus, considering the investigation papers, there is substance in the contention of the learned APP that there is material to connect the present applicant with the alleged offence. The another ground raised by the present applicant is that there is an inordinate delay. Admittedly, the charge is framed on 01.09.2023 and within two years only three witnesses are examined by the prosecution. Thus, it reveals that the trial is proceeding in a snail's space.

As observed by the Hon'ble Apex Court in the case of **Javed Gulam Nabi Shaikh** (supra) relied upon by the learned Counsel for the applicant wherein the Hon'ble Apex Court has observed that "if the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. The similar view is taken by the Hon'ble Apex Court in the said order and relied upon by the learned Counsel for the applicant in the case of **Shriram Keshav Bhagat** (supra) wherein also it is observed by the Hon'ble Apex Court that "the above would indicate that the trial is unlikely to conclude on a near date. However, strong the evidence against the accused may be, there is presumption of innocence in law until proven guilty by a Court. The detention as an under-trial cannot itself be the punishment for the crime alleged against the petitioner. The right of speedy trial seemed to be undermined through the long incarceration of the accused for nearly 07 years and 05 months."

6. Considering the above, it would be appropriate to grant bail to the present applicant. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Gurudev Bhimrao Gedam** shall be released on bail in connection with Crime No.679/2022 registered with Police Station Pandharkawada, District Yavatmal for the offence punishable under Sections 302 and 201 of the Indian Penal Code, on executing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the jurisdiction of village Mangurda, Taluka Kelapur, District Yavatmal, till the culmination of trial.
- (iv) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances and shall cooperate with the Court to dispose of the trial at the earliest.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (vi) The applicant shall furnish his detailed address along with the address proof wherein he is intending to reside after he is released on bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)