



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.130 OF 2025

(Sandeep Parasram Zarekar Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. S.S. Jadhav, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 24, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 20/07/2020 in connection with Crime No.397/2020 registered with Police Station Dharani, District Amravati for the offences punishable under Sections 302, 147, 148 and 188 read with Section 149 of the Indian Penal Code.

2. As per the prosecution case, the crime is registered on the basis of report lodged by Sayeedabi Saiyyad Sayid on an allegation that her son deceased had quarrelled with the accused persons on 19/07/2020 at about 8.30 PM. In the same night when the deceased Sayyad proceeded for sleeping to his grandmother's house in Dubai Mohalla, in front of the house of one Ladkibai he was assaulted with iron rod by the present applicant. Upon receiving the intimation about the assault, the complainant immediately went to the spot and took the deceased in the hospital wherein he was declared dead.

On the basis of said report, police have registered the crime.

3. The present application is filed mainly on the ground that there is inordinate delay in disposal of the trial. It is further contended that last witness PW-5 was examined on 21/12/2023 and thereafter there is no progress in the trial. The applicant is behind bar since 20/07/2020 and trial is not concluded approximately for last five years, therefore, the right of the present applicant as to the speedy trial is affected. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that the trial is already commenced and only Medical Officer and Investigating Officer are remained to be examined. The trial can be concluded at the earliest. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the documents filed on record and the roznama it reveals that the applicant is arrested on 20/07/2020. Though trial is commenced but not concluded. Moreover, since last two years, there is no progress in the trial and last witness is examined on 21/12/2023.

6. Learned Counsel for the applicant vehemently submitted that since last five years the applicant is behind

bar. There is no progress in the trial. In fact, from last two years, no witness is examined, therefore, the right of the present applicant which is enshrined under Article 21 of the Constitution of India is affected. In view of that, he be released on bail.

7. I have heard learned Counsel for both the parties. On perusal of the entire investigation papers and the roznama it reveals that since two years there is absolutely no progress in the trial. Admittedly, the right of the accused enshrined under Article 21 of the Constitution of India is affected as trial is not concluded within five years. This aspect is dealt by the Hon'ble Apex Court in catena of decision in **Javed Gulam Nabi Sheikh Vs. State of Maharashtra and another [2024 SCC OnLine SC 1693]** wherein the Hon'ble Apex Court observed as under :

“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.”

8. In view of the observation of the Hon'ble Apex Court and in view of the Article 21 of the Constitution of India, the applicant cannot be kept behind bar for an

indefinite period, and therefore, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Sandeep Parasram Zarekar in connection with Crime No.397/2020 registered with Police Station Dharani, District Amravati for the offences punishable under Sections 302, 147, 148 and 188 read with Section 149 of the Indian Penal Code, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month and the Police Officer shall record his presence and the applicant shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall not leave the jurisdiction of the Amravati district without prior permission of the District Court, Achalpur.

(vi) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

9. The trial Court shall expedite the trial and shall dispose of at the earliest.

10. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*