



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

CRIMINAL APPLICATION (BA) NO.301 OF 2025

Bharat Vishwasrao Lahudkar

Vs.

The State of Maharashtra, through Police Station Officer, Pimpalgaon Raja
Police Station District Buldhana

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

Court's or Judge's orders

Mr. A.D. Bhate, Counsel for the applicant.
Mrs Mrunal Barbade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/04/2025

1. Heard.
2. By this application the applicant is seeking for grant of bail as he came to be arrested on 30/08/2021 in connection with Crime No.53/2021 registered with Police Station, Pimpalgaon Raja District Buldhana for the offences punishable under Sections 302, 307, 325, 143, 147, 148, 149, 504, 506 and 188 of the Indian Penal Code (for short, 'I.P.C.') read with Section 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.
3. The crime is registered on the basis of the report lodged by complainant Ganesh Kailash Lahudkar alleging that on 08.04.2021 a measurement of Gat No.61 was carried out by the

office of Superintendent of Land Records and accordingly, the employees of the said department were present. The notices were issued to the owner of Survey No.69 as well as to the owner of the adjoining agricultural field for admeasuring of the land. The measurement was pertaining to the dispute of a road situated on the southern side. At the relevant time of measurement the present applicant alongwith other co-accused came there with holding weapons in their hands. All the accused persons opposed the measurement of the land and therefore, the father of the complainant alongwith his cousin brother asked the accused person not to oppose the measurement of the land unless and until land is exactly measured. At that time the main accused Bharat Vishvasrao Lahudkar i.e present applicant started abusing and the other accused tried to demolish the cement road and to stop the measurement work. In the said incident present applicant gave blow on the head of deceased with a sword. Due to which he has sustained the grievous injury and succumbed to the death. On the basis of the said report police have registered the crime against the present applicant.

4. Heard learned counsel for the applicant who submitted that now eight witnesses are examined by the prosecution. Out of eight witnesses including the informant none has supported the prosecution case. The applicant is behind the bar

since date of his arrest i.e. 30.08.2021. Trial is not yet concluded. It will take some time for conclusion. Considering the nature of the evidence which is adduced by the prosecution and none of the witnesses have supported the prosecution case, no purpose will be served by keeping the applicant behind the bar. In view of that, the applicant be released on bail.

5. Learned APP for the State strongly opposes the application and submitted that considering the material witnesses are already examined. Trial is at the fag end and it can be concluded within short span of time. There is prima-facie material to connect the applicant in the alleged offence. He is the person who caused the death of the deceased and prays for rejection of the application.

6. After hearing both the sides and on perusal of investigation papers, it reveals that on account of measurement of a road alleged incident has taken place. As far as the involvement of the present applicant is concerned against whom the specific allegation is that he has given a blow on the head of the deceased by sword and therefore, death of the deceased is caused. The applicant is arrested on 30.08.2021 and since then he is behind bar. Trial is not yet concluded. Admittedly there is delay of trial. The right of the present applicant as to the

speedy trial enshrined under Article 21 of the Constitution is affected. Moreover the prosecution witnesses have also not supported the prosecution case. It is observed by Hon'ble Apex Court in the case of ***Sheikh Javed Iqbal @ Ashfaq Ansari Alias Javed Ansari Vs. State of Uttar Pradesh*** reported at **(2024) 8 SCC 293** 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.

7. In view of the above reasons as trial is not concluded and it would take time to conclude the trial. The applicant is behind the bar since date of his arrest. More over the prosecution witnesses have not supported the prosecution case though the eight witnesses are examined by the prosecution.

8. For all above reasons the applicant has made out the case for grant of bail. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant-**Bharat Vishwasrao Lahudkar** shall be released on bail in connection with Crime No.53/2021 registered with Police Station, Pimpalgaon Raja District Buldhana for the offences punishable under Sections 302, 307, 325, 143, 147, 148, 149, 504, 506 and 188 of the Indian Penal Code (for short, 'I.P.C.') read with Section 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

(iii) The applicant shall not enter the vicinity of village Vakud Taluka Khamgaon District Buldhana till culmination of the trial.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

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

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)