



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

CRIMINAL APPLICATION (BA) NO.476 OF 2025

Sandeep s/o Roshanlal Bagade

Vs.

State of Maharashtra, through Police Station Goregaon, District Gondia

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

Court's or Judge's orders

Mr. D. N. Mehta, Counsel for the applicant.
Mr. Anant Ghogre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2025

1. The applicant came to be arrested on 19.09.2019 in connection with Crime No.210/2019 registered under Section 302, 201 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Police Patil Hetaram Harinkhede on 13.09.2019 vide A.D. No.299/2019, as he received the information that the incident took place at their petrol pump owned by the father of the deceased and he also came to know that there was a quarrel between the present applicant and the deceased on 11.09.2019. Thereafter, the present applicant and the other co-accused threatened the deceased to kill him. The deceased was seen proceeding along with the present applicant and the other co-accused on 11.09.2019 and thereafter, his dead body was found

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

3. Heard learned Counsel for the applicant, who submitted that except the statement of one Rupesh Dhanlal Rahangadale, who allegedly seen the deceased in the company of the present applicant and the other co-accused lastly. There is absolutely no material to connect the present applicant with the alleged offence. He invited my attention towards the fact that initially on 15.09.2019 the statement of Rupesh Dhanlal Rahangadale was recorded, wherein he has not disclosed the said incident initially, and thereafter, after ten days of finding of the dead body, he has disclosed the incident and no explanation is put forth by the investigating agency for recording the delay in the statement. He also invited my attention towards the various panchnamas and submitted that even the CCTV footage nowhere discloses that there was a quarrel between the present applicant and the deceased. The CCTV panchnama only shows that the applicant entered into the cabin and after some time, he left the cabin of the petrol pump. The death of the deceased due to head injury. Admittedly, the stones were lying in the said Dam and, therefore, the possibility of sustaining the injury accidentally cannot be ruled out. He further submitted that in fact, the applicant is arrested on 19.09.2019 and the charge was framed on 20.04.2022, till today only 11 witnesses are

examined. The prosecution has taken 14 months to complete the evidence of PW-8. Thus, the trial is proceeding in a snail's pace. The right of the present applicant of a speedy trial enshrined under Article 21 of the Constitution of India is affected. Considering all these facts, the applicant be released on bail. In support of his contention, he placed reliance on **X. Vs. State of Rajasthan and Ors in Special Leave Petition (Criminal) No.13378/2024 decided on 27.11.2024** and **Balwinder Singh Vs. State of Punjab and another, Special Leave to Appeal (Crl.) No.8523/2024 decided on 09.09.2024**. In both the decisions the Hon'ble Apex Court has considered the right of the accused for a speedy trial. He invited my attention towards the para No.15 and 16 in the case of **X. Vs. State of Rajasthan and Ors** (supra) and submitted that in view of the observation of the Hon'ble Apex Court admittedly, the evidence recorded is not to be looked into, but Court has to see that if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed. Similar observation is made in the case of **Balwinder Singh Vs. State of Punjab and another** (supra) wherein also the Hon'ble Apex Court in para No.7 held that an accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an

inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.

4. In the case of **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh** reported in **(2024) 8 SCC 293** wherein also the Hon'ble Apex Court has dealt with the aspect of right of the accused of a speedy trial and the observation of the Hon'ble Apex Court is as follows:

"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. "

5. In the light of the above observation of the Hon'ble Apex Court, if the facts of the present case are taken into consideration, it reveals that since 19.09.2019 the applicant is behind bar. There is no substantial progress in the trial, still prosecution wants to examine 5 – 6 witnesses. The prosecution has taken 14 months to complete the evidence of one witness i.e. PW-8 which is sufficiently shows that the trial is proceeding by snail's pace. The right of the

present applicant as to the speedy trial is affected. The submission of the learned APP is that still prosecution wants to examine 5 – 6 witnesses, it sufficiently shows that the prosecution would take substantial time to dispose of the trial. Even on the merit, except the last seen of the present applicant along with the deceased, there is no other material collected during the investigation to connect the present applicant with the alleged offence. The statement of the said witness, who has seen the deceased in the company of the present applicant and the other co-accused is also recorded belatedly. Thus, considering all these aspects, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Sandeep s/o Roshanlal Bagade** shall be released on bail in connection with Crime No.210/2019 registered with Police Station Goregaon, District Gondia for the offence punishable under Sections 302, 201 read with Section 34 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 attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances and shall cooperate with the Court to dispose of the trial at the earliest. If the trial Court observes non-cooperation on the part of the applicant or his

Counsel, State is at liberty to file an appropriate application for cancellation of bail.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)