



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

CRIMINAL APPLICATION (BA) NO.464 OF 2025
(Rupesh Bhimrao Bansod 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

Mr. S.P Bhandarkar, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 05, 2025.

The applicant came to be arrested on 10.12.2022 in connection with Crime No.789/2022 registered with Police Station Frezarpura, Amravati, District Amravati for the offences punishable under Sections 143, 147, 148, 302, 307, 294, 354, 109, 504 read with Section 149 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that the First Information Report came to be lodged on 10.12.2022. On 09.12.2022 around 9 PM when the informant and her daughter were inside the home, she heard noise coming from the courtyard of her house and saw four persons including the applicant coming to her house with knife in their hand and assaulted the son of informant Rohit @ Nado Bhongade who was in the varhanda of house. The informant further alleged that, the informant and her daughter tried to save her son, the applicant and other co-accused assaulted the daughter of the informant. Thereafter, when some neighbours tried to save her son and intervened, at that time the applicant

along with other co-accused fled away from the spot. On the basis of said allegations, FIR was registered against the applicant and other accused.

3. He submitted that as far as the merits of the matter is concerned due to the previous enmity the present applicant is implicated in the alleged offence. Another ground raised in the application is that there is delay in trial. He submitted that till today charges are not framed. The applicant is arrested approximately before three years and yet no charges are framed. In view of that, as the right of the present applicant as to the speedy trial enshrined under Article 21 of the Constitution of India is affected, and therefore, the application deserves to be allowed.

4. Learned APP strongly opposed the application and submitted that during investigation, the dead body of the deceased was forwarded to the postmortem report and in all eight injuries were found on the person of the deceased. The informant is the eye-witness of the said incident. Her daughter has also sustained the injuries in the alleged incident. The cause of death is "due to multiple stab injury sustained". The statements of eye-witnesses and injured Ashwini who is the sister of the deceased along with various other witnesses reveals the involvement of the present applicant. The applicant has assaulted the deceased by means of knife. Thus, as far as the merits of the matter is concerned there is ample evidence to connect the present applicant with the alleged

offence. He submitted that the draft charge is already forwarded by the prosecution before the trial Court and now case is also fixed for framing of the charge. If the directions are given to expedite the trial, then trial can be expedited. In view of that, the application deserves to be rejected.

5. After hearing learned Counsel for both the sides and on perusal of the investigation papers, as far as the involvement of the present applicant in the alleged offence is concerned there is a direct as well as the circumstantial evidence. The statements of the eye-witnesses including the statement of the informant who is also one of the eye-witness and the statement of the injured witness discloses the involvement of the present applicant in the alleged incident. The circumstantial evidence in the nature of seizure of the weapon at the instance of the present applicant and the seizure of the cloths shows his involvement in the alleged incident.

6. Coming to the next ground raised in the application is concerned that there is delay in trial. Learned Counsel for the applicant vehemently submitted that the applicant is behind bar since 10.12.2022, till today no charges are framed. The trial will take its own time for its final disposal as the prosecution has to examine as many as 28 witnesses. He submitted that moreover the right of the present applicant enshrined under Article 21 of the Constitution of India is affected. In

support of his contention he placed reliance on the decision of **Siddhant alias Sidharth Balu Taktode Vs. State of Maharashtra and anr. [2024 SCC Online SC 3798]** wherein the Hon'ble Apex Court by referring its earlier judgment held that the material placed on record would reveal that for a period of the last six years, out of 102 dates, the accused has not been produced before the Court either physically or through virtual mode on most of the dates. On the last date, we had put a query to the learned counsel appearing for the State as to why the charges were not framed as of date in this case. We may say with anguish that this is a very sorry state of affairs. If an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial.

7. He further placed reliance on the decision of this Court in the case of **Gaurav Bandu Patil Vs. State of Maharashtra and anr. [2024 SCC OnLine Bom 1258]** and **Sukesh s/o Kaildas Mendhe Vs. State of Maharashtra in Criminal Application (BA) No.723/2024 decided on 23/01/2025** and **Pranay s/o Raju Saidal Vs. State of Maharashtra in Criminal Application (BA) No.1096/2024 decided on 06/01/2025** wherein this aspect was considered by the Court.

8. Now, obviously the applicant is arrested on 10.12.2022. The report called from the concerned Court shows that the charges are not yet framed. The speedy

trial enshrined under Article 21 of the Constitution of India is the fundamental right of the present applicant/accused. The violation of the same cannot be permitted. This Court as well as the Hon'ble Apex Court in catena of decisions held that the speedy trial, which would mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The Court then delve upon the consequence of denial of speedy trial and having found in the said case that the right of appellant therein to have speedy trial having been infringed, the right envisaged in Article 21 was held to be violated.

9. Similar is the case at hand. The applicant herein is behind bars for more than three years and the charges are not yet framed. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Rupesh Bhimrao Bansod in connection with Crime No.789/2022 registered with Police Station Frezarpura, Amravati, District Amravati for the offences punishable under Sections 143, 147, 148, 302, 307, 294, 354, 109, 504 read with Section 149 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Amravati city except attending the proceedings before the trial Court.

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

(v) The applicant shall furnish his Cell phone number and address with the address proof wherein he is intending to reside after he is released on bail. Additionally, he shall furnish names of his two relatives and their address proof for the satisfaction of the trial Court.

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

10. The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

11. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)