



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

CRIMINAL APPLICATION (BA) NO.462 OF 2025

(Prafulla Arunrao Wakode and anr. Vs. 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. P.M. Khan, Advocate for the applicants.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 7, 2025.

By this application, the applicants are seeking bail as they came to be arrested on 09/05/2022 in connection with the Crime No.304/2022 registered with the Police Station Chandur Bazar, District-Amravati (Rural) for the offences punishable under Sections 302, 323, 452, 294, 506 read with Section 34 of the Indian Penal Code.

2. The crime was registered on the basis of the report lodged by the daughter of the deceased on an allegation that her father Devanand Wakode was in habit of drinking liquor. On 05/05/2022 at about 5.00 p.m. she made a phone call to her mother and her mother disclosed that on 05/05/2022 at about 4.00 p.m. when her father came home under the influence of liquor, was quarreling with her and abusing her. By hearing the noise of their quarrel, the applicants who are the cousin uncle and son of the cousin uncle entered in her house and assaulted her father by fist and kick blows. Due to the repeated assault,

he became unconscious, and therefore, he was taken to the hospital but during treatment he succumbed to the death. On the basis of the said report, initially, the crime was registered under Sections 323, 452, 294, 506 read with Section 34 of the Indian Penal Code and after death of the deceased Section 302 of the Indian Penal Code is added.

3. Learned Counsel for the applicants submitted that initial bail application was rejected and liberty was granted to the present applicants to approach to this Court if trial is not concluded within one year. One witness is examined on 18/10/2023 and thereafter no single witness is examined by the prosecution and there is a long incarceration to the applicants. He submitted that right of the applicants of a speedy trial is affected. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that trial is already commenced. One witness is already examined by the prosecution. There are eye-witnesses to the incident which shows the involvement of the present applicants in the alleged incident. Considering the gravity of the offence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that the alleged incident has taken place as

deceased was abusing his wife, and therefore, the applicants who are nearest relatives of the deceased entered in the house and assaulted him by fist and kick blows and caused his death. As far as the merits of the matter is concerned on merits the initial bail application is already rejected. Now, the applicants have come with a ground that there is inordinate delay in trial and the applicants cannot be kept behind bar for an indefinite period. The right of the present applicants enshrined under Article 21 of the Constitution of India of a speedy trial is affected. In view of that, the applicants prayed for grant of bail. There is no dispute as to the fact that since 18/10/2023 no single witness is examined by the prosecution. The incarceration of the present applicants is from 09/05/2022. Admittedly, the right of a speedy trial enshrined under Article 21 of the Constitution and it gives right to the present applicants irrespective of the nature of the trial. As the trial is not progressed since 18/10/2023 the applicants cannot be kept behind bar for an indefinite period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicants – 1) Prafulla Arunrao Wakode and 2) Pavan Arunrao Wakode in connection with Crime No.304/2022 registered with the Police Station Chandur Bazar, District-Amravati (Rural) for the

offences punishable under Sections 302, 323, 452, 294, 506 read with Section 34 of the Indian Penal Code, be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall not enter into the vicinity of village Jasapur, Taluka Chandur Bazar, District Amravati till culmination of the trial.

(iv) The applicants shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(v) The applicants 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.

(vi) The applicants shall furnish their detailed address wherein they are intending to reside after they are released on bail along with address proof.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)