



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

CRIMINAL APPLICATION (BA) NO.574 OF 2025

(Abdul Rahim Abdul Majid 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. I. Haque, Advocate for the applicant.

Mr. D.V. Chauhan, Public Prosecutor (Sr. Counsel) a/b Ms S.S. Dhote,
APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 11, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 19/05/2022 in connection with the Crime No.421/2022 registered with the Police Station Arvi, District Wardha for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013.

2. The crime is registered on the basis of report lodged by the informant on an allegation that he is residing along with his family and having two son namely Ritik and Roshan. The elder son Ritik was working in medical field and the younger son was unemployed. Four months ago Ritik informed that he is not keeping as well as well as not feeling well, and therefore, the informant

had taken Ritik to Dr. Punjabrao Deshmukh Hospital, Amravati and hospitalized him. It further alleged that one woman by name Sushila Tayade is residing at Shivaji chowk, Amravati and two months ago she informed that since the elder son is not keeping well, take the son to one Baba i.e. present applicant who is residing at Arvi, and therefore, they took him to the said Baba. Said Baba treated the said Ritik and while taking treatment the death of the deceased is caused. It is alleged that the present applicant who was representing him as a Baba has performed black magic and caused the death of the deceased. On the basis of the said report, police have registered the crime against the present applicant.

3. Present application is filed mainly on the ground that there is a delay in trial and he is suffering from heart ailment. There is no progress in the trial and the applicant cannot be detained in custody for an indefinite period. Since the date of arrest there is no progress in the trial and on that ground he be released on bail.

4. Learned Public Prosecutor strongly opposed the application on the ground that some of the witnesses are already examined and the trial can be concluded in near future. 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. As far as the involvement of the present applicant is concerned which reveals from the investigation papers. Now, the present application is filed mainly on the ground of delay in trial. It is submitted by the learned Counsel for the applicant that there is no substantial progress in the trial. Only 10 witnesses are examined and prosecution intends to examine more 24 witnesses for which substantial period is required. As the speedy trial is not there therefore, the right of the present accused of a speedy trial enshrined under Article 21 of the Constitution is affected. In view of that, he be released on bail.

6. Considering only 10 witnesses are examined since 2022 and yet prosecution has to examine 24 witnesses, the right of a speedy trial enshrined under Article 21 of the Constitution is dealt in the catena of decisions by the Hon'ble Apex Court. The observation of the Hon'ble Apex Court in the case of **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.”

7. Thus, in view of the observation of the Hon’ble Apex Court as the right of the present accused of a speedy trial enshrined under Article 21 of the Constitution is affected, he has made out a case for grant of bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant – Abdul Rahim Abdul Majid in connection with Crime No.421/2022 registered with the Police Station Arvi, District Wardha for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013, be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the proceedings before the Sessions Court

without seeking any exemption unless there are exceptional circumstances and shall cooperate with the Sessions Court to dispose of the trial.

(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 furnish his detailed address along with address proof and names and address of two relatives with their address proof, before the investigating agency.

(vi) A single attempt of the present accused of delay in trial would lead to the cancellation of bail.

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

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)