



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

CRIMINAL APPLICATION (BA) NO. 651 OF 2025

Akash Sanjay Khonde 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. S.R.Dube, counsel for applicant.

Mrs. M.A.Barbde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. The applicant came to be arrested on 31/03/2021 in connection with Crime No. 237/2021 registered with police station Deoli, District Wardha for the offence punishable under Sections 143, 147, 148, 302, 452, 201 read with Section 149 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Sau. Kausalya Ramteke, on an allegation that, her husband has married with another lady namely Sunanda Arun Ramteke, prior to 19 years, her husband was staying with the said Sunanda at Deoli. In the year 2018, the said Sunanda had expired, and later on the informant came to know that her husband is having relationship with another lady. Thereafter, on 20/03/2021 there was a quarrel between her and her husband and therefore, she had given NC report to police station Deoli, District Wardha. On

22/03/2021, at about 12.30 to 01.00 p.m. she was present at her house along with her son and daughter-in-law. She saw her husband come to her house along with four persons, including his adopted daughter. Her husband caught hold of her in the courtyard of her house, and therefore, she started shouting. The other persons accompanied with her husband went inside the house. After some times, all persons came out when she went inside her house. Her daughter-in-law was found coming out of her house along with injured Dipak Ramteke. It is alleged that it was the present applicant who has given a blow on his neck by means of sharp weapon, and due to which he has sustained the grievous injuries and subsequently succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned counsel for the applicant, who submitted that the applicant is behind bar since the date of his arrest. There is no substantial progress in the trial and therefore, the right of the present applicant as to the speedy trial enshrined Article 21 of the Constitution is affected. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application and submitted that the involvement of the present applicant is on the basis of a direct evidence.

She submitted that the vital role is attributed to the present applicant, who has assaulted the deceased by means of sharp weapon. As far as the delay in trial is concerned, she submitted that eight witnesses are already examined and there is a substantial progress in the trial.

5. In support of her contentions, she placed in reliance on *X vs State of Rajasthan and another in Special Leave petition (Criminal) No. 13378 of 2024 decided on 27/11/2024*.

6. After hearing both sides and on perusal of the investigation papers, it reveals that the case is rested on the direct evidence. The informant is the eyewitness of the said incident. The vital role is attributed to the present applicant, who has given blow by sharp weapon i.e. knife on the neck of the deceased and the death of the deceased is caused. There are eyewitnesses to the said incident. As far as the merits of the matter is concerned, the involvement of the present applicant reveals on the basis of the direct evidence.

7. The another aspect raised by learned counsel for the applicant is that there is inordinate delay in conclusion of the trial and he placed reliance on the decision of this Court in *Criminal Application (BA) No. 846/2024 dated 09/10/2024 [Prem Namdeo Talvekar vs State of Maharashtra]* and *Criminal Application No. 1038/2024 decided on 04/12/2024 [Amar @ Amtya*

s/o Babarao Moon Vs State of Maharashtra], wherein by referring the judgments 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 accused was prosecuted under the provisions of the Unlawful Activities (Prevention) Act, 1967.

8. Moreover, learned counsel for the applicant also placed reliance in the cases of (1) *Gudikanti Narasimhulu and others Vs. Public Prosecutor, High Court of Andhra Pradesh, reported in (1978)1SCC 240*, (2) *Shri Gurubaksh Singh Sibbia and others Vs. State of Punjab reported in (1980)2SCC 565*, (3) *Hussainara Khatoon and others Vs. Home Secretary, State of Bihar reported in AIR 1979 SC 1360* and (4) *Union of India Vs. K.A. Najeeb (2021)3 SCC 713,etc.* 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.”

9. Thus, as far as the right of the present applicant, in view of article 21 of the constitution is

concerned, there is no dispute about the same that it is his fundamental right to have a speedy trial.

10. This aspect is reconsidered by the Hon'ble apex Court in the case of *X vs State of Rajasthan and another*, referred (supra), and it is observed that ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

11. In the present case, the offence is of a serious nature. The present applicant plays a vital role, and since 8 witnesses have already been examined, there is an apprehension of tampering with the witnesses. In view of the observations of the Hon'ble Apex Court that in serious offences like rape, murder, dacoity, etc., when the trial commences and the prosecution starts examining witnesses, the court, whether in the trial court or the High Court, shall be loath to entertain the application; therefore, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]