



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

CRIMINAL APPLICATION(BA) NO. 645 OF 2024

Shrikant Alias Nehal Bhagavandas Bhivgade Vs. State of Maharashtra
and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.M.Daga, counsel for the applicant.
Mr.Vinod Thakare, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 01/10/2025

- 1) Heard.
- 2) By this application, the applicant has prayed for regular bail in connection with Crime bearing No. 315 of 2023 registered at Police Station Gondia City, District Gondia, for the offence punishable under Sections 143,147,149,302,307 and 452 of the Indian Penal Code read with Sections 4/25 of Arms Act.
- 3) It is alleged that the applicant and one of the juvenile had committed the murder of the deceased. The complainant and the deceased were sleeping in the house of deceased. At night the complainant heard some voice and he

woke up and found that the accused No.1 i.e juvenile, stabbed the deceased on his chest, neck and stomach and this applicant has also given blows with small knife. The applicant tried to kill the complainant with the knife by keeping said knife on his neck. The complainant called the mother of the deceased and they took the deceased to the hospital and there, doctor declared him dead. Thereafter, the crime came to be registered.

4) The learned counsel appearing for the applicant has stated that the accused no.1 is juvenile and is on bail. The applicant is in jail since last two and half years. The main ground for filing of this application is delay in trial. Since two and half years, there is no progress in trial. Hence, prayed to release the applicant on bail.

5) Learned APP has opposed the application stating that the offence is of serious nature. There is eye witness. The first informant is the eye witness and he is also injured. If the trial is expedited, it can be concluded, there is no need to release the applicant on bail.

6) Heard both the sides.

7) The ground on which the applicant has filed this application is delay in trial. I have called the status report of

the trial and found that till 20.06.2025, the charge was not framed. The trial is not yet commenced.

8) The learned counsel for the applicant has relied on the judgment of the Hon'ble Apex Court in **Criminal Appeal arising out of SLP (Criminal) No. 5139 of 2025 (Surendra..Vs. State of Maharashtra)**, wherein observations are made that though offence punishable under Section Maharashtra Control of Organized Crime Act, 1999 is registered against the applicant, the court has released the applicant on bail on the ground of delay in trial. He has also relied on the order of this Court passed in **Bail Application No.4122 of 2021 (Sonu Parmeshwar Jha Vs. The State of Maharashtra)** decided on 18/01/2023 and the another **Criminal Application (BA) No.54 of 2025 (Avinash Surendra Mate Vs. State of Maharashtra)**, wherein the Court has granted bail in case of murder, as there is delay in trial.

9) I have gone through the orders passed by this Court and the Hon'ble Apex Court. After going through the report, the reasons given in delay in trial are not satisfactory. Since last two and half years, the trial is not commenced, the applicant needs to be released on bail on the ground of delay in the trial.

10) Accordingly, I pass the following order:

- i) Criminal application is allowed.
 - ii) Applicant- Shrikant Alias Nehal Bhagavandas Bhivgade be released on bail in Crime No.315 of 2023 registered at Police Station Gondia City, District Gondia, for the offence punishable under Sections 143, 147, 149, 302, 307 and 452 of the Indian Penal Code read with Sections 4/25 of Arms Act on his furnishing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
 - iii] The applicant shall not in any way tamper with the prosecution evidence.
 - iv] The applicant shall not pressurize or threaten the prosecution witnesses.
 - v] The applicant shall co-operate the investigation officer.
- 11) The Criminal Application stands disposed of accordingly.

JUDGE