



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

CRIMINAL APPLICATION (BA) NO. 1203 OF 2024

(Sanjay @ Sanju Raju Chetti

Vs.

State of Maharashtra, Thr. P.S.O. PS-Bhadrawati, Dist. Chandrapur.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.P. Bhandarkar, Advocate a/w Mr. A.C. Khadse, Adv. for the Applicant.
Ms. Trupti Udeshi, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 4th AUGUST, 2025

1. The Applicant came to be arrested on 30.08.2022, in connection with Crime No.426/2022 registered with Police Station Bhadrawati, District Chandrapur for the offences punishable under Sections 302, 120(b) r/w Section 34 of the Indian Penal Code and Sections 4/25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of the report lodged by the Informant that Suraj Shetty was nephew of the Informant and he has murdered one Sahil Shetty. Therefore Suraj was in jail for four years and after releasing from jail, he was apprehending of the death from the relatives of Sahil, so he was staying at Bhadrawati. On 28.08.2022, at around 06.00 p.m., the Informant had gone to shop for taking some articles and when he was returning to his home, he saw the present Applicant, who was the maternal cousin brother of

Sahil, was sitting near the said shop. The present Applicant told the Informant that Suraj was threatening his family members and asked him to inform Suraj to behave properly. Therefore, the Informant came to his house and he called Suraj to his house and told him and also warned him. Thereafter, Suraj reached near the shop where the Applicant was sitting and there was altercation between them and during that altercation the present Applicant took out weapon i.e. Sattur and inflicted blow on neck of the deceased and the deceased was eliminated. On the basis of the said report Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant who submitted that besides the merit of the case, one of the ground raised by him in the Application is that there is inordinate delay in trial. Though the Applicant is arrested on 30.08.2022, till today no charges are framed, and therefore, the right of the present Applicant is to the speedy trial enshrined under Article 21 of the Constitution of India, is affected. In view of that, the present Applicant be released on bail.

4. Learned APP, strongly opposed the said application and submitted that considering the nature of the evidence that there are eye witnesses to the incident, the deceased has sustained the injuries on the vital parts of the body. There was previous dispute between the parties, the nature of the injuries shows the intention on the part of the present Applicant. Thus, considering all these circumstances, the Application deserves to be rejected.

5. The learned Counsel for the Applicant placed reliance on various decisions in the case of *Siddhant alias Sidharth Balu Taktode Vs. State of Maharashtra and Anr., 2024 SCC Online SC 3798*, *Gaurav Bandu Patil Vs. State of Maharashtra and Anr., 2024 SCC OnLine Bom 1258*, *Criminal Application (BA) No.723/2024*, *Sukesh Kaildas Mendhe Vs. State of Maharashtra, decided on 23.01.2025* and *Criminal Application (BA) No.1096/2024*, *Pranay Raju Saidal Vs. State of Maharashtra, decided on 06.01.2025* and submitted that in all these decisions the Hon'ble Apex Court as well as this Court has considered the long incarceration and the right of the accused of a speedy trial. He submitted that, in the case of *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr., (2024) 9 SCC 813*, wherein the appellant was facing charges under the provisions of Unlawful Activities (Prevention) Act, 1967, the Court held that howsoever the serious crime may be, the accused has right of speedy trial as enshrined in the Constitution of India. The Court further highlighted the object of the bail and opined that the object is to secure the attendance of the accused at the trial. On the speedy trial, the Supreme Court has taken aid of its earlier judgment in the case of *Hussainara Khatoon (1) Vs. State of Bihar (1980), 1 SCC 81*, which reads as under:-

“10. Long back, in Hussainara Khatoon (1) Vs. State of Bihar, this court had declared that the right to speedy trial of offenders facing criminal charges is “implicit in the broad sweep and content of Article 21 as interpreted by this Court”. Remarking that a valid procedure under Article 21 is one which contains a procedure that is “reasonable, fair and just” it was held that : (SCC p. 89, para 5).

“5. ...Now procedure prescribed by law for depriving a person of liberty cannot be “reasonable, fair or just” unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as “reasonable, fair or just” and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21.”

6. On going through the entire investigation papers it reveals that the deceased was died due to assault at the hands of the present Applicant. The involvement of the present Applicant reveals from the investigation papers. On the basis of the statements of the eye witnesses as well as the circumstantial evidence like the recovery of the weapon at the instance of the present Applicant. The PM report also shows that the deceased has sustained the injuries and from the nature of the injuries it reveals that there was an intention to cause his death. However, it is also an admitted position that though he was arrested on 30.08.2022 still charges are not framed. As observed by the Hon’ble Apex Court that the expeditious trial is an integral an essential part of the fundamental right to life and liberty enshrined in Article 21 of Constitution of India irrespective of the nature of the crime and if the said right is violated then the prayer of the Applicant deserves to be accepted. In view of that, the

Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Sanjay @ Sanju Raju Chetti in connection with Crime No.426/2022 registered with Police Station Bhadrawati, District Chandrapur for the offences punishable under Sections 302, 120(b) r/w Section 34 of the Indian Penal Code and Sections 4/25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act, be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount.
- iii. The Applicant shall not enter into the city of Chandrapur except attending the proceeding before the Sessions Court at Chandrapur.
- 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 attend the Police Station at Wardha twice in a month i.e. on 1st and 15th of every month and the concerned Police Station Officer shall record his presence in the Police Station.

- vi.** The Applicant shall not indulge himself in similar type of activities and single registration of the offence would lead to the cancellation of bail.
 - vii.** The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
- 7.** Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)