



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

CRIMINAL APPLICATION (BA) NO. 194 OF 2025

LOKESH S/O. GANPATRAO YEDANE

...**VERSUS**...

THE STATE OF MAHARASHTRA THR. P.S.O. POLICE STATION KOTWALI, DIST. NAGPUR

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri C.R.Thakur, Advocate for applicant.
Shri S.S.Dhote, APP for non-applicant/State

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 02nd MAY, 2025

The applicant came to be arrested on 15/09/2021 in connection with the Crime No. 348/2021 registered under Sections 143, 147, 148, 379 and 302 r/w. Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act and Section 4/25 of the Arms Act.

2. The crime is registered on the basis of report lodged by Rohit Mahesh Lambat, on an allegation that, his father was killed by the unknown person by giving blow on his neck by the sharp weapon. On the basis of said report, the police have registered the crime against the present applicant. During the investigation, the eye witnesses came forward. On the basis of which, the involvement of the present applicant revealed and therefore, the present applicant is arrested.

3. Heard the learned counsel for the applicant who

submitted that, since 15/09/2021, the applicant is behind bar and yet the charges are not framed. The applicant cannot be detained in jail for indefinite period as the right of the present applicant of a speedy trial enshrined under Article 21 of the Constitution of India is affected. Therefore, the applicant deserves to be released on bail.

4. The learned APP for the State strongly opposed for the same and submitted that, the manner in which the murder of the father of the informant is committed, requires to be looked into. The statements of the eye witnesses show that the present applicant was seen at the spot of incident running from the spot by holding a weapon in his hand. The statement of the eye witnesses further show the involvement of the present applicant as he has assaulted the deceased by means of sharp weapon. The weapon is also recovered at his instance. Thus, considering the prima facie case against the present applicant, the application deserves to be rejected.

5. On hearing both the sides and on perusal of police investigation papers, it reveals that, though the FIR is lodged against the unknown person, but during investigation, the statements of the eye witnesses are recorded and on the basis of which, the involvement of the present applicant revealed. During the investigation, the statement of the present applicant under Section 27 of the Indian Evidence Act is also recorded

and at his instance, the weapon of the offence having blood stain on it, is also recovered. Thus, there is a prima facie material against the present applicant.

6. The present application is filed mainly on the ground that, there is inordinate delay in trial. It is submitted by the learned counsel for the applicant that, the right of the present applicant as to the speedy trial enshrined under Article 21 of the Constitution of India is affected. This aspect is dealt by the Hon'ble Apex Court in the catena of decision including **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari V/s. State of Uttar Pradesh [(2024) 9 SCC 293]** wherein by referring the earlier judgment in the case of **Javed Gulam Nabi Sheikh V/s. State of Maharashtra and anr. [2024 SCC OnLine SC 1693]**, 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. In view of the above observation of the Hon'ble Apex, though the involvement of the present applicant reveals from

the investigation and the prima facie material is also there, but as the right of the present applicant of a speedy trial enshrined under Article 21 of the Constitution of India is affected, the applicant has made out the case for grant of bail. Accordingly, I proceed to pass the following order:-

ORDER

- 1) The application is **allowed**.
- 2) The applicant – Lokesh S/o. Ganpatrao Yedane shall be released on bail in connection with Crime No. 348/2021 registered under Sections 143, 147, 148, 379 and 302 r/w. Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act and Section 4/25 of the Arms Act, on executing P.R. Bond in the sum of Rs. 50,000/- with one solvent surety in the like amount.
- 3) The applicant shall not leave the jurisdiction of Nagpur City without prior permission of the Court.
- 4) The applicant shall not enter into the jurisdiction of Kotwali Police Station till culmination of the trial.
- 5) 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.
- 6) The applicant shall attend the proceedings regularly before the Sessions Court without seeking any exemption

unless there are exceptional circumstances.

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

8) The application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

B.T.Khapekar