



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

CRIMINAL APPLICATION (BA) NO.392 OF 2025
(Mahendra Rupnarayan Solanki 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. P.M. Pande, Advocate for the applicant.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 28, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 06/04/2022 in connection with Crime No.387/2019 registered with Police Station Paratwada, District Amravati for the offences punishable under Sections 143, 147, 148, 302, 324 read with Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of report lodged by the informant on an allegation that pm 30/09/2019 at about 1.45 PM while returning after performing namaz he found crowd gathered near Punjab National Bank. The informant found his brother was lying on the ground and the applicant along with the other co-accused was present on the spot with deadly weapon. On the basis of the said report, police have registered the crime. During investigation, the statements of various witnesses are recorded.

3. Learned Counsel for the applicant submitted that the applicant is arrested on 06/04/2022, despite he filed an application for framing of the charge, the charge is not framed. There is inordinate delay in framing of the charge as well as the commencement of the trial. The applicant cannot be kept behind bar for an indefinite period. He filed an application only on the ground of delay in trial. He submitted that in view of Article 21 of the Constitution of India the right of speedy trial is enshrined in favour of the present applicant. Since the charges are not framed the applicant cannot be kept behind bar for an indefinite period, and therefore, he be released on bail.

4. Learned APP strongly opposed the application on the ground that the initial bail application of the present applicant is rejected on merits. The specific role is attributed to the present applicant. The offence alleged against the present applicant is of a serious nature. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the applicant is arrested on 06/04/2022. The earlier order passed by this Court shows that the present applicant was mentioned as Mahatma Thakur whereas the name of the applicant is Mahendra Rupnarayan Solanki It is further observed by this Court that the statements of the

witnesses who have named the present applicant *prima facie* case is made out against him and considering the gravity of the offence, the application was rejected.

6. Now, the application is filed mainly on the ground that there is delay in trial. Learned Counsel for the applicant has pointed out that he has filed an application for framing of the charge on 25/10/2024 and despite of that, the charge is not framed by the trial Court. Then he further placed reliance on the catena of decisions of the Hon'ble Apex Court wherein the Hon'ble Apex Court has considered the violation of the Article 21 of the Constitution of India and released the accused on bail irrespective of the nature of the offence.

7. In the case of Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh [(2024) 9 SCC 293] wherein the Hon'ble Apex Court by referring the earlier judgment of Javed Gulam Nabi Sheikh Vs. State of Maharashtra and another [2024 SCC OnLine SC 1693] wherein it is 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.”

8. As far as the involvement of the present applicant in the alleged crime is concerned which reveals from the investigation papers there is no doubt that the offence allegedly committed by the present applicant is of a serious nature; however, considering the right of the present applicant as to the speedy trial enshrined under Article 21 of the Constitution is affected and in view of the observation of the Hon'ble Apex Court that Article 21 of the Constitution applied irrespective of the nature of the crime, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant – Mahendra Rupnarayan Solanki in connection with Crime No.387/2019 registered with Police Station Paratwada, District Amravati for the offences punishable under Sections 143, 147, 148, 302, 324 read with Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not leave the jurisdiction of Amravati rural without seeking

prior permission from the Additional Sessions Judge-1, Achalpur, District Amravati.

(iv) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month, till culmination of the trial.

(v) 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.

(vi) The applicant shall furnished his detailed address with address proof and the names of his two relatives with their address proof, before the investigating agency.

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

10. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)