



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

CRIMINAL APPLICATION (BA) NO.401 OF 2025

(Ganesh @ Ganya Bandwala Jangamwar 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. R.M. Tahliyani, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 31.08.2021 in connection with Crime No.964/2021 registered with Police Station Ballarpur, District Chandrapur for the offences punishable under Sections 302, 201, 324, 323, 504 read with Section 34 of the Indian Penal Code.

2. The crime is registered on an allegation that on 30.08.2021 a complaint was lodged by the complainant Milind Bondale thereby stating that on 30.08.2021 at around 5:30 PM in the evening he and his friends Naim Khan and Dhammratna Kamble were drinking beer at a beer shop when accused Salman Shaikh along with his two friends came near him and started abusing him. The complainant tried to ask the accused that they were abusing him due to which there was some quarrel between them. Thereafter, when the complainant was waiting at square point, Dhammratna Kamble came there at around 6:30 pm in the evening. The accused persons Salman and his two friends again arrived there

and started quarrelling and during that he was assaulted by means of knife; however, the injury was inflicted on the person of Sanghapal who was present at the spot whereas the present applicant who was also known to the complainant assaulted him on his head by means of tiles due to which the deceased sustained the injuries on his head and subsequently succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that the involvement of the present applicant is in a sudden fight and sudden quarrel and out of that the alleged incident has taken place. As far as the merits of the matter is concerned he submitted that at this stage, he is raising a ground of delay in trial as the applicant is arrested on 31.08.2021, till charges are not framed and there is no progress in trial. The right of the present applicant as to the speedy trial enshrined under Article 21 of the Constitution of India is affected. The applicant cannot be kept behind bar for an indefinite period. The time would require to dispose of the trial as the prosecution has to examine as many as 34 witnesses. In view of that, he be released on bail.

4. Learned APP strongly opposed the same and submitted that considering the involvement of the present applicant which reveals from the investigation papers. The offence is of a serious one. The deceased has sustained the grievous injuries and death of the deceased is caused due

to head injury which is attributed to the present applicant. Thus, considering the gravity of the offence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the investigation papers as far as the involvement of the present applicant in the alleged incident is concerned which reveals from the investigation papers on the basis of the direct evidence that the statements of the eye-witnesses. The postmortem report also shows that the death of the deceased is due to head injury. Said head injury is attributed to the present applicant. Thus, as far as the merits of the matter is concerned the involvement of the present applicant reveals. The another ground raised by the applicant is that there is delay in trial and the applicant is incarcerated since 31.08.2021 in respect of the above said crime. There is no progress in the trial even the charges are not framed. Therefore, the status report from the concerned District Judge and Additional Sessions Judge was called which shows that the sessions trial is pending before the Court and no charges are framed till today. From the charge-sheet it reveals that the FIR is lodged on 30.08.2021. The investigation is completed and charge-sheet is filed in the year 2021 within five years even charges are not framed against the present applicant. This aspect is considered by the Hon'ble Apex Court in the case of Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh [(2024) 9 SCC 293] by referring its earlier

judgment in the case of **Javed Gulam Nabi Sheikh Vs. State of Maharashtra and another [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.”

6. In view of the observation of the Hon'ble Apex Court and considering the fact that within five years even charges are not framed by the trial Court against the accused. 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 – Ganesh @ Ganya Bandwala Jangamwar in connection with Crime No.964/2021 registered with Police Station Ballarpur, District Chandrapur for the offences punishable under Sections 302, 201, 324, 323, 504 read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) 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 and the Police Station Officer of Police Station Ballarpur shall record his presence.

(iv) The applicant shall not enter into the vicinity of village Ballarpur, District Chandrapur, 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 attend the proceedings regularly before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(vii) The applicant shall not indulge in similar type of the activities. A single reported crime would lead to the cancellation of bail.

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.)