



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

CRIMINAL APPLICATION (BA) NO. 437 OF 2025

(Madhav S/o Manik Chirange

Vs.

State of Maharashtra, Thr. PSO Pusad City, Tq. Pusad, Dist. Yavatmal)

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. M.N. Ali, Advocate for the Applicant.
Ms. H.N. Prabhu, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JUNE, 2025

1. By this Application the Applicant is seeking bail.
2. The Applicant came to be arrested on 17.09.2021, in connection with Crime No.415/2021 registered with Police Station Pusad City, District Yavatmal for the offences punishable under Sections 302, 143, 147, 148, 149, 324, 427, 323, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.
3. The crime is registered on the basis of the report lodged by Manohar Dilip Shrirame on an allegation that on 14.09.2021 when he alongwith the deceased was proceeding towards the Government Hospital, at the relevant time the present Applicant as well as the other co-accused they were the members of the unlawful assembly assaulted them by means of stone, sticks and knife. As far as the present

Applicant is concerned, it is alleged that the present Applicant was holding knife in his hand, gave a blow on the person of the deceased repeatedly, due to which, the deceased sustained injuries and scummed to death. On the basis of the said report Police have registered the crime against the present Applicant and during investigation the investigating officer has seized the knife at the instance of the present Applicant. The statement of the eye witnesses were also recorded and after completion of the investigator charge-sheet is submitted.

4. Heard learned Counsel for the Applicant, who submitted that two previous offences were registered against the present Applicant as far as the involvement of the present Applicant is concerned, the prosecution has placed reliance on the eye witnesses who are brought up witnesses. Moreover, there is inordinate delay in trial. Though the Applicant is arrested on 17.09.2021 the charges are not framed. Thus, the right of the present Applicant enshrined under Article 21 of the Constitution of India is affected, and therefore, he be released on bail. He placed reliance on various orders passed by this Court.

5. Learned APP for the Non-applicant/State, strongly opposed the application on the ground that the informant is one of the eye witness and there are other eye witnesses. The incriminating weapon is already recovered at the instance of the Applicant. Death of the deceased is due to cardio respiratory arrest and due to hypovolemic shock due to hemorrhagic due to multiple penetrating stab injuries over

back. The query report of the Medical Officer also shows that the injuries mentioned in the injury report is also possible with the sharp object. Thus, there is *prima facie* material to connect the present Applicant with the alleged offence. Considering the gravity of offence, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers, admittedly, Informant is one of the eye witness of the said incident and there are other eye witnesses also. The death of the deceased is due to multiple penetrating stab injuries on the person of deceased. Query report also shows that the injuries are also possible by the weapon which is seized at the instance of the present Applicant. Thus, as far as the involvement of the present Applicant reveals from the investigation papers.

7. The another ground raised by the learned Counsel for the Applicant is that there is inordinate delay in trial that was from the report of the concerned District and Sessions Judge was found which shows that due to the absence of the other co-accused, the charge is not framed. Till today, the charges are not framed, and therefore, trial is not proceeded.

8. The learned Counsel for the Applicant placed on various decisions wherein the decision of the Hon'ble Apex Court in the case of *Javed Gulam Nabi Shaikh vs. State of Maharashtra and another in criminal Appeal No.2787/2024 decided on 03.07.2024* is referred.

9. In *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh in Criminal Appeal No.2790/2024 decided on 18 July, 2024* wherein also the issue regarding the speedy trial was considered by the Court and it is held by the Apex Court that this Court thereafter proceeded to hold that Section 43D(5) of the UAP Act does not oust the ability of the constitutional courts to grant bail on grounds of violation of Part III of the Constitution. Long incarceration with the unlikelihood of the trial being completed in the near future is a good ground to grant bail.

10. Thus, in view of the observations of the Hon'ble Apex Court in the case of *Javed Gulam Nabi Shaikh* (supra) wherein the Hon'ble Apex Court has observed that 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. In view of the above observations of the Hon'ble Apex Court as right of the present Applicant as to the speedy trial as enshrined under Article 21 of the Constitution of India and in view of Article 21 of the Constitution of India applies irrespective of the nature of the crime. In view of that, the Applicant has made out the case for grant of bail. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Madhav S/o Manik Chirange in connection with Crime No.415/2021 registered with Police Station Pusad City, District Yavatmal for the offences punishable under Sections 302, 143, 147, 148, 149, 324, 427, 323, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, 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 not enter into the vicinity of Village Veni, Taluqa Pusad, District Yavatmal or in the entire Taluqa of Pusad except attending the proceedings before the Trial Court i.e. Additional Sessions Judge, Pusad.
- 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 furnish his detail address with address proof where he is intending to reside after he is released on bail before the Additional Sessions Judge, Pusad.

- vi.** The Applicant shall not leave the jurisdiction of the Yavatmal District without prior permission of the District Court Yavatmal.
 - vii.** The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
- 11.** Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)