



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

CRIMINAL APPLICATION (BA) NO. 657 OF 2025

(Rohan Prakash Dhakade @ Akash

Vs.

State of Maharashtra, Thr. PSO, Police Station Shirasgaon (Kasba),
 District Amravati.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. R.M. Daga, Advocate for the Applicant.

Mr. Aditya Gohokar, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 7th JULY, 2025

1. The present Applicant has preferred this Application for grant of bail in connection with Crime No. 294/2020 registered with Police Station Shirasgaon (Kasba), District Amravati for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. As per allegations on 01.12.2020 at about 08.30 p.m., the Applicant and the two co-accused demanded money from Sudhakar i.e. deceased to purchase liquor, which he refused, and therefore, the co-accused held Sudhakar and the Applicant brutally assaulted Sudhakar with knife. Before succumbing to the grievous injuries suffered, Sudhakar disclosed to Kunal Bhurmude that he was stabbed by the Applicant, and therefore, the said Kunal has lodged the report. On the basis of the said report, the present Applicant is arrested.

3. Heard learned Counsel for the Applicant, who submitted that the first bail application of the present Applicant bearing No.761/2021 was rejected by the order dated 14.10.2021 observing the gravity of the offence. Thereafter, the Applicant has filed another application bearing No. 642/2022, which was withdrawn and liberty was granted to the Applicant to move to this Court if there is no substantive trial in next one year by order dated 02.08.2022.

4. Learned Counsel for the Applicant invited my attention to the order-sheets which shows that on 27.02.2023 the charge is framed and thereafter within two years only one witness is examined. He submitted that, the Applicant cannot be incarcerated for an indefinite period and the right of the present Applicant as to the speedy trial enshrined under Article 21 of the Constitution of India, is affected. He also invited my attention to the entire roznama and submitted that the entire roznama repeatedly shows that witnesses are not turning to the Court, the accused is not produced by the jail authorities and only matter is adjourned on the given dates. In this manner, the Applicant is incarcerated and there is no possibility of the disposal of the trial in the near future. In view of that, he be released on bail.

5. Learned APP, strongly opposed the application on the ground that there are eye witnesses to the incident. On merits the previous applications of the present Applicant are rejected. As far as the delay in trial is concerned, the Trial Court can be directed to expedite the trial. In view of that, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers, it reveals that, as far as the merit of the matter is concerned, there is sufficient evidence on record in the nature of the eye witness which shows that it was the present Applicant who has brutally assaulted the deceased and caused his death. Thus, as far as the merit of the matter is concerned, there is sufficient evidence to show the involvement of the present Applicant in the alleged offence. The another ground raised by the present Applicant is that, there is an inordinate delay. Admittedly, the charge is framed on 27.02.2023 i.e. prior to 2 years and within 2 years only one witness has been examined by the prosecution. Thus, it reveals that the trial is proceeding in a snails pace.

7. As observed by the Hon'ble Apex Court in the case of *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another reported in 2024 SCC OnLine SC 1693*, relied upon by the learned Counsel for the Applicant, 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. The similar view is taken by the Hon'ble Apex Court in the said order and relied upon by the learned Counsel for the applicant in the case of *Shriram Keshav Bhagat vs State of Maharashtra and Anr. in Special Leave to Appeal (Crl.) No.11839/2024 dated*

05.11.2024, wherein also it is observed by the Hon'ble Apex Court that "the above would indicate that the trial is unlikely to conclude on a near date. However, strong the evidence against the accused may be, there is presumption of innocence in law until proven guilty by a Court. The detention as an under-trial cannot itself be the punishment for the crime alleged against the petitioner. The right of speedy trial seemed to be undermined though the long incarceration of the accused for nearly more than 5 years."

8. Considering the above, it would be appropriate to grant bail to the present Applicant. In view of that, I proceed to pass following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Rohan Prakash Dhakade @ Akash in connection with Crime No.294/2020 registered with Police Station Shirasgaon (Kasba), District Amravati for the offence punishable under Section 302 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 not enter into the jurisdiction of Village Shirasgaon (Kasba), Taluqa Chandurbajar, District Amravati, till the culmination of trial.

- iv. The Applicant shall attend the proceeding before the Trial Court without seeking any exemption unless there are exceptional circumstances and shall cooperate with the Court to dispose of the trial at the earliest.
 - 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 not indulge himself in similar type of activities and on registration of single offence, would lead to the cancellation of bail.
 - vii. The Applicant shall furnish his detailed address along with the address proof wherein he is intending to reside after he is released on bail.
9. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)