



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

CRIMINAL APPLICATION (BA) NO. 689 OF 2025

Siddhant @ Siddhu @ Siddheshwar @ Hemant Rajesh Ravekar
Vs.
 State of Maharashtra

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. P.V. Navlani, Advocate for the Applicant(s).
 Mr. C.A. Lokhande, APP for the Non-applicant/State.
 Mr. V.D. Darne, counsel for complainant.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JULY, 2025

1. The present application is filed by the applicant for grant of bail. The applicant came to be arrested on 27/08/2020 in connection with Crime No.108/2020 registered with Police Station Lohara, District Yavatmal for the offences punishable under Section 144, 147, 148, 302, 307, 120-B read with Section 149 of the Indian Penal Code; Sections 4 and 25 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951.

2. The accusations against the present applicant is on the basis of the report lodged by one Sharad Bondre, serving as Police Officer, Lohara, District Yavatmal, alleging that on 26.08.2020, he, along with one Devidas Chauhan, was on two wheeler vehicle, and one Hitesh Rathod and Pintu Chauhan were on another motorcycle, and they were returning towards home. At about 01:45 p.m. near Maroti Showroom, a

four-wheeler vehicle came and gave a dash to the motorcycle on which the informant and Devidas were sitting. Due to that dash, they fell down, and their motorcycle was also dashed to the other motorcycle on which Hitesh and Pintu were sitting, and they also fell down. At the relevant time, the present applicant and other co-accused came in a four wheeler and due to the old grudge against Devidas Chauhan, they all assaulted Devidas with a knife on the stomach, neck, and hand and caused his death on the spot. On the basis of the said report, police have registered the crime against the accused.

3. Learned Counsel for the applicant submitted that since the date of arrest i.e. from 26/08/2020, the applicant is behind bars. There is no progress in the trial, even the applicant has not been produced from the jail for last one year. He further submitted that even considering the merits of the case, as far as the present accused is concerned, there is a specific role attributed to them. He further submitted that though the charge-sheet is filed before the Court on 19.11.2020, there is absolutely no progress in the trial, and the applicant cannot be kept behind bars for an indefinite period.

4. In respect of the contention, he placed reliance on 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 (arising out of SLP (Cri) No.3809/2024 reported in 2024 ALL MR(Cri)2882***, wherein the Hon'ble Apex Court has held right to speedy trial of offenders facing criminal charges is implicit in the broad

sweep and content of Article 21 of the Constitution of India. However, serious crime is made, an accused has a right to speedy trial as enshrined under Article 21 of the Constitution of India.

5. He further placed reliance on the orders passed in Principal Seat at Mumbai in ***Criminal Bail Application No.2244/2023 [Jahid @ Javed Liyakar Ansari Vs. State of Maharashtra] decided on 18.12.2023 and Dattatray Shrikrushna Shejole Vs. State of Maharashtra in Criminal Application No.429/2024 decided on 06.08.2024.***

6. He submitted that, in all these decisions, it is consistently held that the right of speedy trial is enshrined under Article 21 of the Constitution of India. Here in the present case, the applicant is behind the bar for the last five years. There is no progress in the trial. Initially, the application was withdrawn by the applicant as liberty is granted after material witnesses are examined. The charge was framed on 15.04.2025, and thereafter, within three months, not a single witness is examined. Thus, there is inordinate delay in the trial.

7. Learned APP strongly opposed the said application on the ground that, after lodging of the FIR, the criminal law was set into motion, and during the investigation, the statements of various witnesses were recorded. The role attributed to the present applicant is vital role, who has assaulted the deceased by using the deadly weapon like a knife. In view of that, the application deserves to be rejected.

8. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that due to the previous dispute between the deceased and the present applicants, the present applicants and the other co-accused restrained the deceased by giving dash to his motorcycle and thereafter assaulted him by means of a knife. In all, 21 injuries are found on the person of the deceased, and the cause of the death of the deceased is due to the multiple injuries. There is no dispute as to the fact that the deceased sustained the injuries on the vital part of the body. Besides the post-mortem report, there is direct evidence in the nature of the statements of the eye-witnesses, wherein the specific role is attributed to the present applicant as well as co-accused Siddhant Ralekar, against whom it is alleged that he has given a blow on the neck of the deceased. As far as the present applicant is concerned, who has also assaulted the deceased. Thus, there is a specific allegation against the present applicant, and overt-act is also attributed to him.

9. The present application is filed only on the ground of delay in trial.

10. Learned counsel for the complainant vehemently submitted that the gravity of offense is to be looked into, as 21 injuries are found on the person of the deceased. This court has also observed in deciding the Bail Application No.498/2024 in para No.8 as to the gravity of the offense. Merely because there is a delay in the trial, the applicant is not entitled to be released on bail.

The earlier bail application of the co-accused is considered by this court on the same ground that there is delay in trial, and he is released on bail.

11. The aspect of the right of the applicant/accused for a speedy trial is repeatedly considered by the Hon'ble Apex Court in various judgments. In the case ***Javed Gulam Nabi Shaikh*** referred (*supra*), wherein the Hon'ble Apex Court held 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.

12. In the case of ***Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs State of Uttar Pradesh in CRIMINAL APPEAL NO. 2790 OF 2024 decided on 18/07/2024*** wherein also the issue regarding the speedy trial was considered by the Hon'ble Apex Court and it is held 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.

13. Here in the present case also, the applicant is arrested on 27/08/2020, and thereafter, a charge sheet is filed. From the Rozanama, it reveals that trial was not

commenced, even the charges are framed. On 25.04.2025 and thereafter, also within three months, no progress in the trial. The Sessions Court has not taken any efforts to secure the presence of the accused before the Court, and the prosecution has also not taken any efforts to secure the presence of the accused as well as the witnesses before the Court. The learned trial court has to take the efforts to secure the presence of the accused especially when the accused are behind bar since long.

14. Thus, in view of the observations made by the Hon'ble Apex Court, 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 a serious one. On the same ground that, the crime committed is serious one. On the same ground, the other co-accused is already released on bail. Admittedly, the crime committed is serious, but in view of the Article 21 of the Constitution, the applicant cannot be kept behind bar for an indefinite period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order;

- a] The criminal application is **allowed**.
- b] The applicant– ***Siddhant @ Siddhu @ Siddheshwar @ Hemant Rajesh Ravekar*** shall be released on bail, in connection with Crime No. 108/2020 registered with police station Lohara,

Yavatmal for the offence punishable under Sections 302, 307, 144, 147,148, 120-B read with Section 149 of the Indian Penal Code, 1860; and under Section 4 and 25 of the Arms Act, 1959; and under Section 135 of the Maharashtra Police Act, 1951, on executing a PR Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity of village Lohara, District Yavatmal till the culmination of the trial.
- d] The applicant shall furnish his address, cellphone number(s) names and addresses of his two relatives where he intending to reside after released on bail along with address proof.
- e] The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the present case.
- f] The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
- g] Contravention of any of the condition imposed by this court would lead to cancellation of his bail.

The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)