



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

CRIMINAL APPLICATION (BA) NO.984/2025

(Pravin Bhimrao Bansod Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Atharva Khadse, Advocate for the applicant.
Mr. Anant Ghogare, A.P.P for non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 11.9.2025.

Heard.

2. This is second bail application filed by the applicant for release on bail. The earlier bail application was withdrawn on 2.4.2024. Thereafter the applicant has filed this application as the co-accused is released on bail by this Court on the ground of delay in the trial.

3. The applicant is arrested in Crime No.789/2022 registered for the offence punishable under Sections 302, 307, 294, 143, 147, 148, 149, 354, 109, 504 and 506 read with Section 149 of the Indian Penal Code.

4. While granting bail to the co-accused this Court has called the status report and found that only because the accused was not produced since last three years the charge is not yet framed. The role played by this applicant is similar to that accused.

5. The allegations are made against this applicant that he has assaulted with knife. The injured are the eye witnesses. The co-accused is released on bail as there is delay in trial. It is submitted that due to previous enmity the applicant is implicated in this case. The applicant is arrested since last three years and charge is not yet framed. In view of that, the right of the present applicant to speedy

trial enshrined under Article 21 of the Constitution of India is affected and as the ground of parity is available, the present applicant has approached this Court.

6. The learned A.P.P. opposed the application stating that eye witnesses are there. The offence under Section 307 is also registered. The involvement of this applicant is mentioned by the eye witness. The knife is used in the crime. There is ample evidence on record to connect the applicant with the alleged offence. The draft charge is submitted by the prosecution and the matter is fixed for charge. As per status report filed in earlier bail application, the matter is fixed for framing of charge and If the direction is given, the trial will be initiated. Hence, prayed to reject the application

7. Heard both sides and perused the record.

8. Regarding involvement of this applicant in the alleged offence there is direct evidence. Instead of delving in deeper about the merits of the case, the ground of delay in trial is considered to decide the application. As the applicant is behind bars since December 2022, still charge is not framed, 28 witnesses are there, it will take its own time for completion of trial. The right of the applicant enshrined under Article 21 of the Constitution of India is affected.

9. While considering the bail application of co-accused this Court has placed reliance on *Siddhant @ Sidharth Balu Taktode V/s. The State of Maharashtra and another* reported in **2024 SCC OnLine SC 3798** the Hon'ble Apex Court by referring to its earlier judgment held that the material placed on record would reveal that for a period of the last six years, out of 102 dates, the accused has not been produced before the Court either physically or through virtual mode on most of the dates. On the last date, we had put a query to the

learned counsel appearing for the State as to why the charges were not framed as of date in this case. The learned A.P.P. fairly stated that the charges have not been framed in the cases which are registered prior to the registration of the present case. We may say with anguish that this is a very sorry state of affairs. If an accused is incarcerated for a period of approximately five years without even framing of charges, leave aside the right of speedy trial being affected, it would amount to imposing sentence without trial. In our view, such a prolonged delay is also not in the interest of the rights of the victim.

10. As the co-accused having similar role is released, the ground of parity is available. At the same time, delay in trial is also there.

11. Learned Advocate for the applicant has also relied on the judgment of this Court in case of *Gaurav Bandu Patil V/s. State of Maharashtra and another* reported in **2024 SCC OnLine Bom 1258** wherein this Court has observed that the burden is on the prosecution to prove as to why the prosecution did not produce the accused before the Court for progress of the trial. In this case also the notices were issued to the Jail Authorities on 3.6.2025. As there is delay in trial, the applicant is behind bars for more than 2 years and charges are not yet framed, in my view, the application deserves to be allowed.

12. Accordingly, I pass the following order:-

- i) Criminal application is allowed.
- ii) Applicant Pravin Bhimrao Bansod be released on bail in Crime No.789/2022 registered for the offences punishable under Sections 302, 307, 294, 143, 147, 148, 149, 354, 109, 504 and 506 read with Section 149 of the Indian Penal Code, on his furnishing P.R. Bond in

the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

- iii) The applicant shall not in any way tamper with the prosecution evidence.
- iv) The applicant shall not pressurize or threaten the prosecution witnesses.
- v) The applicant shall co-operate the Investigation officer.

(MRS. VRUSHALI V. JOSHI, J.)