



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 895 OF 2025

Mangesh s/o Chandrakant Ransing ... **Appellant**
AGe 30 years, Occu: Labour **(Ori.Accused)**
R/o Kavat Camp, Nighos,
Tq. Parner Dist. Ahmednagar

VERSUS

1. The State of Maharashtra
Through Investigating Officer,
Parner Polie Station, Dist. Ahmednagar
2. Nirmalabai Rama Bhartiya ... **Respondents**
AGe 40 years, Occu: Labour
Wagh Wada, Near Munjoba Mandir
Nighoj, Tq. Parner, Dist. Ahmednagar

Adv. Shubham D. Jayabhar, Appointed through the Legal Aid for the Appellant

Mr. Dande, the learned APP for the Respondent No. 1 State

Ms. Harsha Lomte, Adv. Appointed through the Legal Aid for the Respondent No. 2, the mother of victim

CORAM : Y. G. KHOBRAGADE, J.

RESERVED ON : 06.04.2026

PRONOUNCED ON : 08.04.2026

JUDGMENT:-

1. By the present Appeal under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant/original accused takes exception to the

order dated 10.09.2025 passed by the learned Special Judge, Ahmednagar in Special Case No. 259 of 2019, thereby rejected Exh.32 an application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 395 of 2019 registered with Parner Police Station, District Ahmednagar for the offences punishable under sections 302, 307, 203 of the Indian Penal Code, 1860 (for short 'IPC') and under Sections 3(1)(r)(s) & 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act').

2. It is the case of prosecution that, on 02.05.2019, Bundgarden Police Station received information from Dr. Vanita, the CEO of Sasoon Hospital, Pune about admission of victim-Smt. Rukhmini w/o Mangesh Ransingh and Appellant in Ward No. 25 with burn injuries under MLC No. 10030/2019. The present appellant gave story to said Medical Officer about sustaining self burn injuries by his wife on 01.05.2019 at her parental house at village Nigoj Tq. Parner, Dist. Ahmednagar. After receipt of said information, the Police Sub-Inspector Mr. Jayant Patil visited Ward No. 25 and recorded statement of the present appellant as well as victim on 02.05.2019. The appellant gave story that, prior to six

month of the incident he performed inter-caste marriage with Rukhmini Bai Rama Bhartiya and before two days of the incident his mother-in-law had called his wife at her parental house. On next day, he visited at his in-laws house but he was not permitted to meet his wife. Thereafter, again on 01.05.2019, about 1.30 p.m., he visited at his in-laws house at Nighoj with some snacks for his wife and brother-in-law but the victim's father (i) Rama Ramphal Bhartiya, (ii) Shri Dillu Pandit, the victim's maternal uncle and other two persons poured petrol on her in person as well as on person of victim and set them on fire. On the basis of said information, Crime No. 395/2019 was registered for the offence u/s 307 of IPC and Sec. 37 (1)(3) of the Mumbai Police Act against Rama Ramfal Bharitya, Mama Dillu Pandit and two other unknown persons.

3. During the course of investigation, the Investigating Officer recorded statement of witnesses and seized articles. In the investigation it was revealed that, the present appellant/accused allegedly poured petrol on the person of his wife Rukhmini and set her on fire after he visited the parental house of deceased. Dying declaration of the victim-Rukhmini was recorded on 01.05.2019, wherein, she made a statement that her husband i.e. appellant had

entered in the house from the backside door and poured petrol from plastic bottle on her person and set her on fire. Due to which, she and her husband got burnt. On 05.05.2019, at about 21.30 hours, the victim died during hospitalization, therefore, offence punishable u/s 302 of IPC was added. It was further revealed that, the victim is a member of Scheduled Caste, hence, offences under Sections 3(1)(r)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act') were added.

4. After investigation was over, on 04.09.2019, the Investigation Officer filed charge-sheet against the Appellant/Accused for the offences punishable under sections 302, 307, 203 of the Indian Penal Code, 1860 (for short 'IPC') and under Sections 3(1)(r)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act'). In the charge-sheet the I.O. has cited total 42 witnesses.

5. Mr. Shubham Jayabhar, the learned counsel appearing for the appellant canvassed that, on 01.05.2019, the alleged incident occurred and the victim Rukhmini, the wife of appellant died on

05.05.2019 due to 69% burn injuries. As per the postmortem report, cause of death was shown as "complication following burns". The Investigating Officer recorded multiple statements of the victim, however, said statements are not constant, therefore, there is every possibility of false implication of the appellant. The appellant came to be arrested on 27.03.2019 and he was remanded in magistrate custody since 29.07.2019 and till date, he is incarcerated for more than 6 years 7 months and 10 days. The Investigating Officer has filed charge-sheet against the appellant/accused on 30.09.2019, however, for more than six years, no trial has been concluded and the appellant is languishing in jail without trial for long period. Therefore, the appellant had filed application under section 439 of Criminal Procedure Code (Section 483 of BNSS) and prayed for bail in connection with Crime No. 395/2019 during pendency of the trial. However, on 10.09.2025, the learned Special Judge, Ahmednagar passed the impugned order and declined to release the appellant/accused on bail because of assurance given by Public Prosecutor for proceeding with the trial on day to day basis and to conclude the trial within short period but till date only 6-8 witnesses are examined. Therefore, fundamental right of the appellant/accused

for speedy trial is violated under Article 21 of the Constitution of India, hence, prayed for enlarging the appellant on bail.

6. The learned counsel appearing for the appellant vehemently canvassed that, the appellant is behind the bars since 23.07.2019 without further progress of trial and there are ample contradictions in statements of witnesses as well as dying declarations of the victim, hence, keeping the appellant/accused behind the bar for years together is nothing but an abuse of process of law. Therefore, prayed for releasing the accused on bail.

7. In support of the submissions, the learned counsel appearing for the appellant placed reliance on the case of ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Another, AIR 2025 SC (Supp.) 1949 = (2024) 9 SCC 813***, wherein, in paragraph 18 and 19, the Hon'ble Supreme Court observed as under:

"18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and

economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. 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. "

8. Per contra, the Investigating Officer has filed affidavit in reply and strongly opposed the appeal for grant of bail. Mr. Dande, the learned APP canvassed that during the course of investigation, the Investigating Officer recorded statement of witnesses and seized various articles which certainly connect the appellant accused for committing murder of his wife victim Rukhmini by pouring petrol on her person and setting her on fire. The I.O. collected CCTV footage from the Petrol Pump, wherein it is confirmed that the appellant purchased petrol. The statements of witnesses from said Petrol Pump as well as other witnesses shows that the appellant/accused entered in parental house of victim with bottle containing petrol and poured petrol on person of victim and set her ablaze. The statements of all

the witnesses are sufficient to hold guilty to the accused for the offences for which the appellant is charge-sheeted. The offence under Section 302 of Indian Penal Code provides life imprisonment or capital punishment, therefore, merely the trial of special case no. 259 of 2019 is delayed for six years, it cannot be a substantial ground to release the appellant/accused on bail. The prosecution is likely to examine almost all the witnesses and ready and willing to conclude the trial within a short period, hence, prayed for dismissal of the appeal.

9. The learned APP further canvassed that, some witnesses are 4 to 7 years of age and if the appellant is released on bail, in that event there is every possibility that the appellant/accused can deter said witnesses. So also, there is every possibility that, the accused may flee and abscond, due to which the trial may be hampered, hence, prayed for dismissal of the appeal.

10. Mrs. Harsha Lomte, the learned counsel appointed through the legal aid for the respondent no. 2 supported the submissions canvassed on behalf of the prosecution. However, in addition she submitted that, the appellant/ accused and his family

members are too influential persons and if the appellant is released on bail it is likely to endanger the life of family members of the respondent no.2 and possibility of appellant/accused absconding can not be ruled out and trial may be hampered for an indefinite period. Further, there is every possibility that, the appellant and family members may deter all the witnesses, hence, prayed for dismissal of the appeal.

11. In the case in hand, the appellant/accused is seeking regular bail in connection with Crime No. 395 of 2019 registered with Parner Police Station, District Ahmednagar for the offences punishable under sections 302, 307, 203 IPC and under Sections 3(1)(r)(s) and 3(2)(va) of the SC & ST Act mainly on the ground that, the trial is delayed for more than six years, due to which his fundamental right guaranteed under Article 21 of the Constitution of India for speedy trial has been violated.

12. In the case in hand, it is not in dispute that, the Crime No. 395 of 2019 was registered against the appellant/accused on 03.05.2019 for the offence under sections 302, 307, 203 of the IPC and under Sections 3(1)(r)(s) and 3(2)(va) of the SC & ST Act. It is

an admitted fact that the appellant/accused was arrested 23.07.2019 for said offences and remanded in MCR w.e.f. 29.07.2019 and since then he is behind the bars since past 6 years 7 months and 10 days.

13. It will not be out of record to mention here that, on 30.09.2019, the Investigation Officer filed the charge-sheet against the present appellant/accused in connection with Crime No. 395 of 2019. As per charge sheet, the prosecution cited total 42 witnesses. The learned Special Court has framed charges against the appellant accused on 13.03.2021.

14. On 11th March, 2026, this Court passed an order and called for detailed status report and the period within which the trial is likely to be concluded in Spl. Case No. 259 of 2019. Accordingly, this Court received the communication dated 24.03.2026 from the learned Special Judge through the learned Principal District and Session Judge, Ahmednagar, wherein it is stated that, evidence of total 6 witnesses have already been recorded till 09.01.2026 and 6 witness summons are issued but no service report was received. Therefore, Police Inspector of Parner Police Station was directed to submit the report in respect of service of witness summons. Again, on

04.02.2026, five witness summons are issued. Despite service, the witness Akash Nandu Koli did not appear. Further other witness Sunil Goraksha Kadam, Kajal Rama Saroj and Riteshkumar Rama Saroj are not found at their address as mentioned in the charge-sheet and some two key witnesses are from State of Uttar Pradesh, hence, six months more time is required to dispose of the trial.

15. It is not in dispute that as on today, prosecution examined 6 witnesses. I have gone through the case of ***Vikas Chandrakant Patil v. State of Maharashtra***, 2025 3 MhLJ(Cri) 165, herein, the Co-ordinate Bench of this Court at Principal Seat placed reliance on the case of **Javed Gulam Nabi Shaikh**, (2024) 9 SCC 813 and observed that in the context of delay in trial vis-a-vis speedy trial as enshrined in Article 21 of the Constitution of India, the Supreme Court has categorically 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 under Article 21 of the Constitution of India, then the State or prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. The Supreme Court further held that Article 21 of the Constitution of India applies irrespective of the

nature of the crime. This is a very significant statement. After considering various case laws and the judgments of the Hon'ble Supreme Court cited therein it is held that, lengthy incarceration without trial violates fundamental rights of the accused under Article 21 of the Constitution of India.

16. In the case of ***Balwinder Singh Vs. State of Punjab and Anr.***, [SLP (Crl.) No.8523 of 2024], the Supreme Court granted bail in a case under Sections 302 and 307 of IPC to the accused who was behind the bars for 4 years citing unlikelihood of completion of trial in the near future. Similarly, in the case of ***Roland Victor Monterio Vs. State of Maharashtra***, [Bail Application No.1981 of 2023 decided on 11.01.2024], the Principal Seat of this Court, granted bail to the accused on account of his long incarceration of four years for the offence under Sections 302, 304-B and 498-A of the IPC.

17. In the case of ***Chintan Vidyasagar Upadhyay Vs. The State of Maharashtra***, [SLP (Crl.) No.2543 of 2021 decided on 17.09.2021], in a case under Sections 302 and 396 of IPC, the Supreme Court granted bail to the accused who had undergone 6 years of pre-trial incarceration. Similarly in the case of ***Indrani***

Pratim Mukerjea Vs. Central Bureau of Investigation, [SLP (Crl.) No.1627 of 2022] the Hon'ble Supreme Court granted bail to the accused for the offence under section 302 IPC on the ground of pre-trial incarceration of six and half years.

18. In the case in hand, the present appellant is languishing in jail for 6 years 7 months and 10 days in Crime No. 395 of 2019 registered with Parner Police Station, Ahmednagar. The Appellant/Accused is facing trial for the offences punishable u/s 302, 307, 203 of IPC and 3(1)(r)(s), 3(2) (va) of S.C. S.T. (Prevention of Atrocities) Act, 1989. Sec. 302 of IPC provides maximum punishment of life sentence or capital punishment. The appellant is behind the bars since last 6 years and 7 months and there is no likelihood of completion of trial within a period of six months. In the cases relied on behalf of the appellant, no trial was commenced and the accused was languishing without trial for a considerable period. Therefore, to my judicious conscience the law laid down by the Hon'ble Supreme Court in cases cited supra are not applicable to facts and circumstance of this case.

19. In view of above discussion, I am of the view that the

appellant/accused is not entitled for bail on the ground of long incarceration, however, the appellant/accused will have liberty to review his prayer for bail, in case the trial is not concluded within a period of 6 months. Accordingly, I proceed to pass the following order:

ORDER

1. Cri. Appeal No. 895 of 2025 is hereby dismissed.
2. The learned Special Judge Ahmednagar/Addl. Session Judge-2 is hereby directed to conduct the trial of Spl. Case No. 259 of 2019 on day to day basis and shall conclude the trial within a period of 6 months from communication of this order after securing attendance of the prosecution witnesses by issuingailable as well as non-bailable warrants.
3. The Police Inspector of Parner Police Station, Ahmednagar shall make every endeavor to produce the witnesses before the Trial Court on schedule of trial.
4. The learned Trial Court shall not adjourn the trial unless bona fide and substantial grounds are set out.

5. The Prosecution shall produce the Accused before the learned trial Court either personally or through the virtual mode on schedule of the trial.
6. The learned counsel Mr. Subham D. Jayabhar and Mrs. Harsha Lomte are appointed through the legal aid to espouse the cause on behalf of the appellant/accused and Respondent No.2 respectively; hence, their fees shall be quantified as per rules and be paid by the Legal Aid Sub-Committee, High Court, Bench at Aurangabad.

(Y. G. KHOBRADE, J.)

JPChavan