

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1587 OF 2025**

Rahul Laxman Gadhave

... Applicant

Versus.

State Of Maharashtra

... Respondent

Ms. Pooja Agarwal, Advocate for the Applicant.

Ms. Shilpa Talhar, APP for the Respondent – State.

Ms. Rupali Jadhav, PSI, Loni Kalbhor Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 15th June, 2026.

P.C. :

1. Heard. Ms. Pooja Agarwal, learned Advocate for the Applicant and Ms. Shilpa Talhar, learned APP for the Respondent-State.

2. By the present Application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the Applicant seeks Regular bail in Crime No. 103 of 2021 dated 16.02.2021 registered with Loni Kalbhor Police Station, Pune, for offences punishable under Section 302 of Indian Penal Code read with Section 4(25) of the Arms Act. Said Crime No. 103 of 2021 is

registered as Sessions Case No. 477 of 2021 and is pending before the Sessions Court, Pune. Applicant is the sole Accused in the present crime.

3. The prosecution case is that the Applicant obtained a personal loan from the Bajaj Finance Branch at Urali Kanchan, Pune. Ravindra Prakash Walkunde (deceased) was the Sales Manager of the said Branch and was pursuing the recovery of the loan taken by the Applicant. The Applicant, thus, had a grudge against the deceased, because of which it is alleged that the Applicant committed the murder of the deceased.

4. Applicant was arrested on 16.02.2021, since then, he has remained in jail. The Bail Application at Exhibit-02, filed by the Applicant in Sessions Case No. 477 of 2021, was rejected by the Additional Sessions Judge, Pune by order dated 10.01.2025.

5. Ms. Pooja Agarwal, learned Advocate for the Applicant, submits that the Applicant seeks bail on the ground of his long incarceration, which amounts to violation of his right to a speedy trial. She submits that there were 91 dates in Sessions Case No.

477 of 2021, however, the Applicant was produced on only 11 of those dates before the Court. She submits that the delay in non-framing of the charge is not attributable to the Applicant. She further submits that this Bail Application was filed on 04.04.2025, the charge was hurriedly framed only on 03.02.2026. She submits that the charge was not framed for more than five years, and even as of date the trial has not commenced. She submits that Sessions Case No. 477 of 2021 has been transferred to another Sessions Judge. She submits that, in view of the transfer, the date in Sessions Case No. 477 of 2021 has not been fixed. She submits that the Applicant has no criminal antecedents. She therefore requests bail.

6. Ms Shilpa Talhar, learned APP for the Respondent-State, on instructions from the Applicant, does not dispute that the charge in Sessions Case No. 477 of 2021 was not framed more than five years after the Applicant's arrest. She submits that the charge was framed on 03.02.2026 and that the matter will now proceed in accordance with law. She further submits that the offence committed by the Applicant is a serious offence resulting in the

death of an official of Bajaj Finance Limited.

7. Perused the record, with the assistance of the learned Advocates.

8. The Hon'ble Supreme Court, in the case of *Siddhant alias Sidharth Balu Taktode vs. State of Maharashtra*¹ has made the following observations in paras 10 and 11:-

“10. 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. Shri Kilor fairly states 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.

11. We are, therefore, inclined to allow the appeal. The order passed by the Special Court dated 02.02.2024 and the impugned order of the learned Single Judge dated 29.07.2024 are quashed and set aside.”

9. Considering the aforesaid facts, particularly the Applicant being in jail since 16.02.2021, the charge not having been framed

¹ 2024 SCC OnLine SC 3798

for more than five years (i.e., till 03.02.2026) and the trial in Sessions Case No. 477 of 2021 not having commenced even as on date, the Applicant is justified in pressing his right to a speedy trial.

10. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused. (See in *Hussainara Khatoon vs. State of Bihar*²)

11. Ms. Shilpa Talhar, learned APP for the Respondent-State, on instructions from the Investigation Officer, submits that there is an eyewitness who is a resident of Urali Kanchan Branch. She further submits that there is apprehension that the Applicant may interfere with the said prosecution witnesses and therefore requests for imposing a condition of the Applicant not entering the jurisdiction of Loni Kalbhor Police Station.

² (1980) 1 SCC 81

12. Ms. Pooja Agarwal, learned Advocate for the Applicant, on instructions from the Applicant, submits that the Applicant will not enter the jurisdiction of the Loni Kalbhor Police Station, Pune, until the conclusion of the trial in Sessions Case No. 477 of 2021. The statement is accepted.

13. In view of the above, this Bail Application is allowed on the ground of long incarceration on the following terms :-

(a) The Applicant in Crime No. 103 of 2021, dated 16.02.2021, registered at Loni Kalbhor Police Station, Pune, shall be released on bail upon furnishing a PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, to the satisfaction of the Trial Court in Sessions Case No. 477 of 2021.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence in any manner.

(c) The Applicant shall provide the Investigating Officer at Loni Kalbhor Police Station, Pune, with his residential address and proof thereof, his contact number and must inform the Investigating Officer at Loni Kalbhor Police Station, Pune, of any changes to this information from time to time.

(d) The Applicant shall regularly appear before the Trial Court in Sessions Case No. 477 of 2021, whenever the matter is fixed, unless specifically exempted.

(e) The Applicant shall appear before the Investigating Officer, Loni Kalbhor Police Station, Pune on the 2nd Saturday of each month from 11.00 a.m. to 12.00 noon till the conclusion of trial in Sessions Case No. 477 of 2021.

(f) The Applicant shall not enter the territorial jurisdiction of the District of Pune till the conclusion of trial in Sessions Case No. 477 of 2021 except for marking his appearance before the Investigating Officer, Loni Kalbhor Police Station, Pune and appearing before the Trial Court in

Sessions Case No. 477 of 2021, as and when the matter is fixed.

14. Criminal Bail Application No. 1587 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)