



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

CRIMINAL APPLICATION [BA] NO. 15 OF 2026.

Pradeep Sahadev Dokrimare.

-VERSUS-

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

Shri R.K. Tiwari, Advocate for the Applicant.
Shri A.A. Madiwale, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 30, 2026.

Heard learned Counsel for the parties.

2. The applicant came to be arrested on 27.10.2021 in connection with Crime No.253/2021 registered with Parshioni Police Station, District Nagpur for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. Charge sheet in the matter came to be filed and Sections 120-B and 201 of the Indian Penal Code came to be added.

3. One Rajat Wadibhasme lodged the first

information report alleging that he is running spare parts shop. He is residing along with his brother and possess 11 acres of land. On 20.10.2021 the informant received a phone call informing him that his brother Banti has been murdered at Kuwara Bhimsen by the applicant and his associates. On reaching the spot of incident, he found that head of the deceased was broken. Therefore, the report came to be lodged.

4. The learned Counsel for the applicant submits that the application is filed by the applicant only on the basis of the right guaranteed under Article 21 of the Constitution of India for speedy trial. The learned Counsel submits that the applicant was arrested on 27.10.2021 and since then there is no substantial progress in the trial. Even this Court has considered the said fact in Criminal Application No.1044/2025 in case of Sapna @ Jayshree Ravi Wadibhasme, and passed order on 03.12.2025 releasing the applicant therein on bail, considering the status report of the trial. He submits that the applicant is also pressing for his release on bail considering the fact that there is no substantial progress in the trial. The prosecution has till date not given

list of witnesses, though till date 9 witnesses are examined. The prosecution in charge sheet has cited as many as 61 witnesses, and therefore, according to him, the trial is going to take considerable time, for which the applicant cannot be put behind bar for indefinite period.

5. The learned A.P.P. vehemently opposes the application and submits that the offence is serious in nature. The applicant is involved in the crime, there are circumstances against him to show that he is the culprit. So far as the delay part is concerned, it is submitted that now the trial has commenced and near about 9 witnesses have been examined and considering this fact, the applicant is not entitled to be enlarged on bail, and prayed for rejection of the application.

6. I have considered the rival submissions. The Supreme Court in the case of **Javed Gulam Nabi Shaikh .vrs. State of Maharashtra and another - (2024) 9 SCC 813** has in paragraph no.17 held as under.

“17. 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 Supreme Court in case of **Sheikh Javed Iqbal .vrs. State of Uttar Pradesh - (2024) 8 SCC 293**, in para 32 held as under :

“32. This Court has, time and again, emphasized that right to life and personal liberty enshrined Under Article 21 of the Constitution of India is overarching and sacrosanct. A constitutional court cannot be restrained from granting bail to an Accused on account of restrictive statutory provisions in a penal statute if it finds that the right of the Accused-undertrial Under Article 21 of the Constitution of India has been infringed. In that event, such statutory restrictions would not come in the way. Even in the case of interpretation of a penal statute, howsoever stringent it may be, a constitutional court has to lean in favour of constitutionalism and the Rule of law of which liberty is an intrinsic part. In the given facts of a particular case, a constitutional court may decline to grant bail. But It would be very wrong to say that under a particular statute, bail cannot be granted. It would run counter to the very grain of our constitutional jurisprudence. In any view of the matter, K.A. Najeeb (supra) being rendered by a three Judge Bench is binding on a Bench of two Judges like us.”

7. Considering the ratio laid down by the Supreme Court in above referred cases, it is crystal clear that it is immaterial what offence has been committed, if there is long incarceration. As stated above, the applicant is behind bars for near about 4 ½ years and the status of the trial is that till today 9 witnesses have been examined and list of witnesses is yet to be submitted, and charge sheet shows that there are 61 witnesses. One does not know when the trial would be concluded. However, considering long incarceration of the applicant, I am inclined to grant him bail, hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Pradeep Sahadev Dokrimare be released on regular bail in connection with Crime No.253/2021 registered with Parshioni Police Station, District Nagpur for the offence punishable under Sections 302, 120-B and 201 read with Section 34 of the Indian Penal Code on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like

amount.

- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE