



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

CRIMINAL APPLICATION [B.A.] NO. 1287 OF 2025

Amar Pandurang Raut

-- VERSUS --

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. R.M. Daga, Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 20, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.248/2023 for the offence punishable under Sections 363, 364, 302, 201 and 118 of the Indian Penal Code, registered with Police Station Talegaon, District Amravati.

3. The First Information Report was lodged by victim's father against unknown person alleging that the victim went to college on 03/07/2023 around 09:30 a.m., however, she did not return home from college in the evening. Even the informant enquired with her friends and college, however, no information was received about her whereabouts. Therefore, missing report was filed. The case of the prosecution against the applicant is that he along

with other co-accused has committed murder of the victim.

4. The present application is being filed by the applicant for grant of regular bail on the ground of delay in trial. The learned counsel appearing for the applicant submits that the F.I.R. was registered on 04/07/2023 and the present applicant was arrested on 09/07/2023. He further submits that the charge-sheet was filed on 03/10/2023, however, even after filing of the charge-sheet, there was no progress in the trial, and the charges are framed only after one year, i.e., on 30/11/2024. He further submits that almost after 9 months, the prosecution has filed an application for issuance of summons to the witnesses. He invited my attention to the *roznama* which goes to show that the accused was not produced on many occasions. Therefore, he submits that the accused is in jail for near about 2 years and 6 months. He further submits that on perusal of the charge-sheet, it appears that the prosecution has cited near about 52 witnesses, therefore, he submits that there is no possibility to conclude the trial in the near future.

5. The learned A.P.P. opposes the application on the ground that the charges are framed and already the prosecution has filed the application for issuance of summons and he submits that the counsel for the applicant has filed the

application for adjournment for his personal reason, that it is not possible for the learned Advocate to work out the case before 15/01/2026. He further submits that the summons are issued to the witness which was made returnable on 08/01/2026. Therefore, he submits that prosecution is taking every step to conclude the trial immediately.

6. After considering the rival submissions, the fact remains that the accused was arrested on 09/07/2023, more than 2 years and 6 months have passed. It is further to be noted that the charges were framed on 30/11/2024. Till 12/08/2025, after framing of the charge, the prosecution has not taken effort to call the witness and it is only on 12/08/2025, the prosecution has filed an application for issuance of summons. It is further to be noted that the accused was not produced from jail on many occasions. All these factors goes to show that the prosecution is slow in conducting the trial. The Supreme Court in the cases below has held as under:-

(i) Javed Gulam Nabi Shaikh VS State of Maharashtra and Another, (2024) 9 SCC 813;

(ii) Sheikh Javed Iqbal VS State of Uttar Pradesh, (2024) 8 SCC 293;

In *Javed Gulam Nabi Shaikh (supra)*, it is held in para 17 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.”

In *Sheikh Javed Iqbal (supra)*, it is held in Paragraph No.32 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.”

Therefore, considering the dictum of the Supreme Court, it is crystal clear that the accused cannot be incarcerated for indefinite period. Considering, the facts and circumstances which have surfaced on record, I am of the considered view that the accused may be granted bail. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Amar Pandurang Raut) be released on regular bail in connection with in Crime No.248/2023 for the offence punishable under Sections 363, 364, 302, 201 and 118 of the Indian Penal Code, registered with Police Station Talegaon, District Amravati, on his furnishing a P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount;

(iii) 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;

(iv) 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;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail;

(vi) Pending Misc. Applications, if any, also stands disposed of.

[M.M. NERLIKAR, J]