



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**  
**CRIMINAL APPLICATION NO. 43 OF 2026**

Devram Harichand Patle

..vs..

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

Shri Y.B. Mandpe, Advocate for the applicant.  
 Mrs M.H. Deshmukh, APP for the State.

**CORAM: M.M. NERLIKAR, J.**  
**DATE : 20.02.2026.**

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.702 of 2023 registered with Hingna Police Station, Nagpur City for the offence punishable under Section 302, 120B, 201 read with Section 34 of the Indian Penal Code, on the ground of delay in trial.

3. The FIR was lodged by the PSI of Hingna Police Station namely Panduranga Jadhav alleging that on 13.11.2023 the dead body of a lady in agricultural field was found and there was cut mark on neck, which appears to be done by blade. Hence, the report was lodged against the unknown person. After investigation, name of the present applicant who is the husband of the deceased lady, has been added.

4. Learned Counsel for the applicant states that the FIR was registered on 14.11.2023. The applicant was arrested on 21.11.2023 and thereafter, the charge sheet was filed on 17.02.2024. Therefore, almost 2 years and 2 months are over however there is no progress in the trial.

Only after calling of the status report by this Court from the Trial Court, the charges were framed on 31.01.2026. Therefore, on the ground of delay in trial, the applicant to be enlarged on bail.

5. On the other hand, the learned APP vehemently opposes the application submitting that there is no fault on the part of the prosecution. The allegations made against the applicant are serious in nature. The applicant, is the husband, has killed his wife by cutting her neck and as the offense committed by the applicant is heinous, he may not be released on bail.

6. I have considered the rival submissions. It appears that the applicant was arrested on 21.11.2023 and till date as there was no progress in the trial, this Court has called the Status report from the Trial Court wherein the following reasons were stated :

*“...In this case, the case got committed this Court on 14.03.2024. Thereafter I have joned this court on June, 2025. Thereafter on may dates charge could not be framed due to non production of the accused and on some dates due to this court being busy in other matters. Therefore, this case is pending for hearing on charge and for production of the accused persons from jail.”*

7. The Hon'ble Supreme Curt has considered the issue of delay in trial in catena of judgments stating that the accused cannot be put behind the bars for indefinite period, if the trial is not progressed. The Hon'ble Supreme Court in the case of **Javed Gulam Nabi Shaikh VS State of Maharashtra and Another, (2024) 9 SCC 813**; has in para 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.”*

8. Further in case of **Sheikh Javed Iqbal VS State of Uttar Pradesh, (2024) 8 SCC 293**; it has been held in para no.42, by the Supreme Court as under :

*“42.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.”*

9. Even in the recent judgment in case of **Anoop Singh .vs. U.T. of J and K (SLP (Cri) No.1398/2026 )**

vide order dated 03.02.2026 has in paragraph no.8 held as under :

*“8.The report is extremely disturbing. The report highlights the sorry state of affairs at the end of the prosecuting agency. We are at pains to note that in last 7 years, the prosecution has been able to examine only 7 witnesses. Prosecution still intends to examine 17 more witnesses. We wonder who are these 17 witnesses who are yet to be examined and if not examined, what would be the adverse effect on the case of the prosecution. However, the most unfortunate part of the report of the Trial Court is that past 82 hearings, not a single witness has been examined.”*

10. In view of the above exposition of law and considering the fact that the investigation is complete and charge-sheet is filed, the accused is in jail since 21.11.2023, further there is least possibility of conclusion of trial, therefore, I am inclined to enlarge the applicant on bail. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Devram Harichand Patle in connection with Crime No.702 of 2023 registered with Hingna Police Station, Nagpur City be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (c) The applicant 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.
- (d) 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.

- (e) 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.

11. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

12. All Misc. application(s), pending if any, shall stands disposed of accordingly.

**(M.M. NERLIKAR, J.)**

*Trupti*