

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 267/2026

(Anuj Shankarrao Tengal 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

 Mr. V. D. Darne, Advocate for applicant.
 Mr. V. A. Thakare, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 01/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.175/2023 registered with Police Station Parwa, Dist. Yavatmal for the offences punishable under Sections 307, 302, 120-B, 143, 148, 149 of the Indian Penal Code.

3. Brief facts of the prosecution case are that few months earlier, the informant had altercations with co-accused Ravindra Tengal over an issue of construction accounts of Hanuman temple. In the back-drop, on 10/04/2023, the son of the informant Yogesh Jogmode received phone call from the applicant/accused. He threatened him of dire consequences so also asked him why his father is indulging into dispute of the temple. He

also warned him to convince his father i.e. informant to stay away from the said dispute. He also said that he has arranged some people to beat them. Yogesh did not pay any heed. Meanwhile, on the same day at about 08.30 PM, when the informant and his son were sitting, the co-accused rushed to them and brutally assaulted the informant's son Yogesh by means of wooden stick, knife, iron rod and stone causing deadly injuries to him. They also manhandled the informant. Applicant/accused was also present with them and he assaulted injured Yogesh by means of iron rod. Informant's son sustained multiple injuries over his person & head and he lost consciousness. All accused got scared and ran away from the scene of occurrence. Based on the aforesaid, a crime came to be registered against all accused persons.

4. The learned counsel for the applicant submits that the application is principally filed on the ground of delay in trial. The fundamental rights of the applicant guaranteed under Article 21 of the Constitution of India of speedy trial has been violated as the FIR was registered on 11/04/2023 and the applicant was arrested on 11/04/2023 i.e. on the same day, whereas the charge-sheet was filed on

27/09/2023. Since that day till today, even the charges are not framed. He submits that though three years have elapsed, there is no progress in the trial. For about 64 days, the applicant was not produced from the Jail. From time to time, the case was adjourned on one or the other pretext, therefore he submits that considering there is significant delay in conducting trial, the applicant be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that there are total 11 accused persons out of which one is juvenile. He further submits that one accused is discharged, one is in jail and one accused who was granted temporary bail is absconding. All accused persons are relatives of each other. There are serious allegations against the applicant. Merely because on some days accused was not produced before the Court is no ground to grant bail only on the ground of delay in trial. The other accused persons have filed the application either for bail or for discharge, and in deciding the same, the Court's time has gone into which delay cannot be attributed to the prosecution, therefore considering all these factors, it cannot be said that there is

delay in trial. According to him, there are serious allegations against the present applicant, therefore he may not be released on bail.

6. I have considered the rival submissions. It appears from the record that the applicant was arrested on 11/04/2023, i.e., on the day of registration of the FIR itself. The charge-sheet is filed on 29/09/2023. This Court had called the status report from the Trial Court in respect of the progress of the trial. The status report discloses that the application for discharge was filed by accused No. 9 on 23/07/2025. Said application was decided on 20/10/2025 as many adjournments were taken on one or other grounds. It further appears that again on 13/11/2025, one more application for discharge was filed. Thereafter, also repeated adjournments were sought on behalf of accused. On 27/01/2026, one of the accused was granted interim bail on medical ground. However, the said accused is yet not located despite several attempts. No doubt, the status report shows only the latest position, however the fact remains that the applicant is behind bars since 11/04/2023. I do not see that there is any delay on the part of the present applicant as neither he has sought

adjournment for a single time, nor he was produced before the Court for as many as 64 dates. Therefore, no fault can be attributed to the applicant. Even if he was produced on some occasions, the Trial Court has not taken any effective steps on the said date.

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.”

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.”

Even in the recent judgment in case of **Anoop Singh .vrs. 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.”

In case of ***Pradeep Kumar @ Banu Vs. State of Punjab (Criminal Appeal No.1341/2026 arising out of SLP (Cri) No. 18775/2025 decided on 13/03/2026)***, wherein the Supreme Court has observed in paragraph Nos. 5, 6 and 7 which read as under:-

“5. Prosecution proposes to examine 23 witnesses to drive home the charges against the appellant, but none has been examined. Thus, the trial is likely to take some time to conclude.

6. Almost two years have passed since the appellant was arrested without trial having commenced and conclusion thereof nowhere being in sight. Incarceration without trial amounts to punishment.

7. Taking an overall view of the matter, we are of the considered opinion that further detention of the appellant pending trial is not necessary and, since the appeal deserves acceptance, the appellant may be admitted to an order for grant of bail.”

7. Considering the above exposition of law, the Supreme Court has held that the speedy trial is the

fundamental rights of the accused person guaranteed under Article 21 of the Constitution of India. Therefore, considering the observations of the Supreme Court and the fact that the applicant is behind bars since 11/04/2023, and absolutely there is no progress in the trial. I am inclined to allow the application. Needless to mention that till today even the charges are not framed, therefore considering all these factors, the accused cannot be kept behind bars for indefinite period. In this view of the matter, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Anuj Shankarrao Tengal be released on regular bail in connection with Crime No.175/2023 registered with Police Station Parwa, Dist. Yavatmal for the offences punishable under Sections 307, 302, 120-B, 143, 148, 149 of the Indian Penal Code on his furnishing P.R. Bond of Rs. 25,000/- with one surety 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial on a single date or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane