



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

CRIMINAL APPLICATION [B.A.] NO. 502 OF 2026

Sau. Roza Pramod Ramteke

-- 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. K.P. Mahalle, Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 30, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.374/2023 for the offences punishable under Sections 302, 307, 328, 120-B, 201 read with Section 34 of the Indian Penal Code, 1860, registered with Police Station Aheri, District Gadchiroli.

3. As per the First Information Report, it is alleged that the deceased persons, namely members of the Kumbhare family, suffered a sudden deterioration in health after consuming food and water at their residence during September, 2023, and subsequently died during medical treatment at various hospitals. During the course of inquiry, statements of witnesses indicated suspicion of

separation poisoning. Medical opinion further revealed the presence of a toxic substance (Thallium) in the body of one of the deceased. It is alleged that wife of deceased Roshan Kumbhare conspired with her relatives, due to personal and familial disputes, and intentionally administered poison by mixing it in food and water to multiple family members, resulting in several deaths and illness of others. On the basis of this information, F.I.R. was lodged.

4. The learned counsel for the applicant principally raises the ground of “delay in trial”. He submits that the speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India, and therefore, violation of the same would entail the applicant to claim bail. He submits that, though the applicant was arrested on 18/10/2023, till today, even the charges are not framed. The applicant had preferred bail application before the trial Court on the ground of “delay in trial”, however, the trial Court has rejected his application only on the ground that long incarceration cannot override the gravity of offence and *prima facie* evidence. He submits that, absolutely, the trial Court has failed to take into consideration the judgment of the Supreme Court in the case of ***Javed Gulam Nabi Shaikh VS State of Maharashtra and Another, (2024) 9 SCC 813***, and therefore, he submits that, it is irrelevant

what offence has been committed by the applicant when the question of bail on the ground of “delay in trial” is concerned. He submits that the applicant is behind bars since 2 years and 6 months, and therefore, considering the fact that, even the charges are not framed, and total 48 witnesses are cited in the charge-sheet, one does not know when the trial will conclude, and therefore, the applicant prayed for release on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that, the crime is serious in nature as 5 family members have been murdered by the applicant and other accused persons. There are total 5 accused persons, and therefore, he submits that considering the seriousness of the crime, the applicant may not be released on bail.

6. I have considered the rival submissions. No doubt, there are serious allegations against the applicant, however, if the trial has not started or concluded, for no fault of the applicant, the applicant cannot be put behind bars for indefinite period. It is further to be noted that, even the status report does not show that the applicant was at fault. Even, the learned A.P.P. has not pointed out that the applicant is at fault. Under such circumstances, the only conclusion can be drawn that the applicant is not at

fault. It would be useful to refer to the judgment of the 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-under trial 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.”

Recently, the Supreme Court has in the matter of **Vaibhav Singh VS State of Uttar Pradesh, (Special leave to Appeal (Crl.) No. 7416/2026,** has in Paragraph No.12 observed as under:-

“ 12. In many of our Judgments and on many occasions, we have said in so many words that howsoever grave the crime may be, but if the accused is denied his right of speedy trial and is languishing in jail for years together and for no

fault on his part, he cannot be kept in jail for indefinite period.”

7. From the above exposition of law by the Supreme Court, it is clear that, it is irrelevant what offence has been committed by the applicant when it comes to the fundamental right guaranteed under Article 21 of the Constitution of India of speedy trial. Under such circumstances, it would be again necessary to state that, in the present case, the F.I.R. was registered on 18/10/2023 and the applicant was arrested on 18/10/2023 itself. The applicant is behind bars since 2 years and 6 months, and till today, even the charges are not framed. This Court has asked for status report and in the status report it is stated that the matter is fixed for Hearing Before Charges. It is further to be noted that the observations in Paragraph No.32 of the impugned order are absolutely against the observations of the Supreme Court in the case of ***Javed Gulam Nabi Shaikh (supra)***, and therefore, the trial Court ought to have considered the observations in the case of ***Javed Gulam Nabi Shaikh (supra)***, in its true perspective and should have given true meaning in its letter and spirit. The trial Court has miserably failed to take into consideration the observations of the Supreme Court. Considering the above exposition of law, and the fact that, the applicant is behind bars

since 18/10/2023, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is allowed;

(ii) The applicant/accused (Sau. Roza Pramod Ramteke) be released on regular bail in connection with Crime No.374/2023 for the offences punishable under Sections 302, 307, 328, 120-B, 201 read with Section 34 of the Indian Penal Code, 1860, registered with Police Station Aheri, District Gadchiroli, on her furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent sureties in the like amount;

(iii) The applicant shall not enter into the village Mahagaon, Tah. Aheri, District Gadchiroli;

(iv) The applicant shall attend Police Station once in a week, i.e., on every Monday between 10:00 a.m. to 01:00 p.m.;

(v) 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;

(vi) The accused shall provide her residential address and cell number to Police Station concerned and shall not change her place of residence without prior intimation to the Investigating Agency;

(vii) The accused shall attend each and every date of trial regularly. If she fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, her default would entail the State to ask for cancellation of bail;

(viii) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]