



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

CRIMINAL APPLICATION [B.A.] NO. 524 OF 2026

Raghben s/o Jagatpal Chavhan

-- 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.K. Tiwari, Advocate a/w. Mr. A.A. Korpenwar, Advocate
a/w. Mr. V.V. Raut, Advocate for the Applicant.

Mr. A.G. Mate, 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.246/2020 for the offences punishable under Sections 302, 143, 144, 146, 147, 148, 149, 341 of Indian Penal Code, 1860, read with 4 and 25 of the Arms Act, 1959, registered with Police Station Kanhan, District Nagpur.

3. This Court by order dated 20/01/2026 has disposed of the application as withdrawn, with liberty to the applicant to approach this Court, in case, the trial is not concluded within one month, as the statement was made by the learned A.P.P. that they will conclude the trial within one month.

4. The learned counsel for the applicant submits that though this statement was made, the trial is not concluded.

5. Today, the learned A.P.P. submits that one witness, i.e., Investigating Officer, is remaining to be examined. He further submits that within one month the trial can be concluded.

6. I have considered the rival submissions. 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-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 Nos.8, 9 and 10 has observed as under:-

“8. What is most disappointing is what has been observed by the High Court in Para 8.

9. Para 8 reads thus:

“The Supreme Court in case of X vs. State of Rajasthan & Anr., 2024 INSC 909 has held that once the trial has commenced, it should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition.”

10. It appears that the High Court has not been able to understand the true purport and ratio of the decision of this Court, referred to, in para 8. All that the High Court ought to have considered is the fact that the petitioner is languishing in jail as an undertrial prisoner past nine years. What more was required for the High Court to consider the plea of the petitioner for bail, keeping his right of speedy trial in mind as enshrined under Article 21 of the Constitution. ”

In the order dated 20/01/2026, a statement was recorded of the learned A.P.P. that trial would be concluded within one month, however, in

spite of the said order, it appears that, there is no conclusion of the trial. No doubt, the trial is at fag end, however, fact remains that, the applicant is behind bars since 08/06/2020, more than five and half years are over, however, till today, the trial is not concluded. Under such circumstances, 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 (Raghben s/o Jagatap Chavhan) be released on regular bail in connection with Crime No.246/2020 for the offences punishable under Sections 302, 143, 144, 146, 147, 148, 149, 341 of Indian Penal Code, 1860, read with 4 and 25 of the Arms Act, 1959, registered with Police Station Kanhan, District Nagpur, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) 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 one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail;

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

[M.M. NERLIKAR, J]