
(2012) 03 BOM CK 0022

In the Bombay High Court

Case No : Criminal Application (BA) No. 60 of 2012

Balya @ Bhalchandra Anandrao Madavi

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 31-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 437(6)
Penal Code, 1860 (IPC) — Section 120B, 34, 397, 411

Citation : (2013) ALLMR(Cri) 661

Hon'ble Judges : A.P. Bhangale, J

Bench : Single Bench

Advocate : A.K. Bhangde, for the Appellant; R.A. Deshpande, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

A.P. Bhangale, J.—Heard. Though the accusations are serious, the learned Advocate for the applicant submitted that the applicant was arrested on 28.1.2011; the case is triable by the Magistrate; charge was framed on 25.7.2011 and the first date of hearing was 8.8.2011 for taking evidence; but, despite expiry of a period of about six months from the date of framing of charge, no progress has been made in the trial and the right of speedy trial is, thus, violated.

2. The learned Advocate for the applicant made a reference to the judgment of this Court reported in Tarkeshwar Goraknath Pandey Vs. State of Maharashtra, , in which it is observed that merely because offences are serious, bail cannot be refused to the applicant in view of Section 437(6) of the Code of Criminal Procedure. The accused cannot be detained unreasonably without trial particularly, when there are no chances of the evidence being collected against the accused in the case. Under these circumstances, although on merits, bail is objected on the ground of seriousness of accusations, conditional bail ought to be granted in favour of the applicant, particularly when he came out with an

affidavit in support of the application giving particulars of his address and copies of documents to assure that he will not misuse liberty, in any manner, if bail is granted and shall observe all the conditions of bail. Hence, the order.

3. In connection with Crime No. 4 of 2011 reported at Police Station, Pandharkawada, Tq. Kelapur, District Yavatmal, u/ss. 397, 411, 120B r/w. 34 of the Indian Penal Code, the applicant be released on his executing a P.R. Bond in the sum of Rs. 50,000/- with two or more sureties in the like amount.

4. The applicant/accused shall attend the Investigating Officer whenever required.

5. The applicant shall not carry any weapon nor shall commit any crime while on bail.

6. He shall inform his address and change in address, if any, with his Telephone Number/Cell Number, if any, to the Investigating Officer and shall co-operate with him.

7. He shall not tamper with the prosecution evidence in any manner.

8. The Criminal application is allowed accordingly. Hamdast is allowed.