



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 530 OF 2025

Rama @ Ramu Shivaji Jadhav

VERSUS

The State of Maharashtra & Anr.

Mr. Avinash N. Barhate Patil, Advocate for the appellant.

Ms. M.N. Ghanekar, APP for the respondent-State.

Ms. Tanishka P. Chavan, Advocate for respondent No.2.

AND

CRIMINAL APPEAL NO. 100 OF 2025

Shoyab Shabbir Shaikh and Anr.

VERSUS

The State of Maharashtra & Anr.

Mr. S.S. Chapalgaonkar, Advocate for the appellant.

Ms. M.N. Ghanekar, APP for the respondent-State.

Ms. Karishma Sanjay Sarin, Advocate for respondent No.2.

AND

CRIMINAL APPEAL NO. 223 OF 2025

Yogesh @ Gotya Sarjerao Pardhe

VERSUS

The State of Maharashtra & Anr.

Mr. Avinash N. Barhate Patil, Advocate for the appellant.

Ms. M.N. Ghanekar, APP for the respondent-State.

Ms. Karishma Sanjay Sarin, Advocate for respondent No.2.

CORAM	: KISHORE C. SANT, J.
RESERVED ON	: 20.08.2025
PRONOUNCED ON	: 18.09.2025

ORDER :-

01. All these appeals are arising out of same trial and therefore are taken together. The appellants are accused in Sessions Case No. 62 of 2015. They have approached this Court seeking bail on the ground of delay in trial. Their earlier appeals are rejected by this Court. No change in circumstances is pointed out except delay. The matters are, therefore, being considered only on the ground of delay.

02. Facts in short giving rise to the prosecution are that an FIR came to be lodged in Shirdi Police Station for the offence punishable under sections 302, 201, 363, 364, 366, 143, 148, 149 of the Indian Penal Code and under sections 3(1)(iii)(x) and 3(i)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Present appellants are accused in the said crime. The FIR came to be lodged by one Satish Gaikwad on 16.05.2015 with the Police Station. It is alleged in the statement that on 16.05.2015, he had been to Shirdi for marriage of sister of his friend. While going, he was called by one Sagar. Thereafter, three of them went on motorcycle. First they went to one Beer-bar. At around 1.30 a.m. they had a beer. At that time Vishal, Rupesh, Somnath, Sunil and 2-3 unknown persons were also having beer. At that time, mobile of Sagar rang in loud voice with a ringtone

having lyrics of late Dr. Babasaheb Ambedkar. Vishal, therefore, asked as to whose mobile is that. On that Sagar told his name. On that all these persons assaulted Sagar with fist blows. Vishal took beer bottle and banged it on the head of Sagar. The informant tried to pacify. Tushar asked him his name. On telling his name, even the informant was assaulted by the accused persons. They, thereafter, took the informant on motorcycle. They also took Sagar with them on another mother-cycle. Other vehicle went towards Savlivihir. Other accused left the informant there itself. On this, the complaint was lodged.

03. Supplementary statements came to be recorded on 19.05.2015. It is stated in the supplementary statement that after earlier incident the informant and his friend went in search of Sagar. They were informed that Sagar was taken to one Rui Shivar. They went to Rui Shivar and thereafter to Pimpalwadi Shivar. He was not found even there. They, therefore, went further towards Puntamba road. They found a mob near Rui to Shingve road. There they found Sagar in necked condition, fallen on the ground. He was dead. It is thus alleged that Sagar was murdered by the accused persons as mobile ringtone was in the name of Dr. Babasaheb Ambedkar. He also alleged offence under the provisions of Atrocities Act.

04. On the basis of this, crime came to be registered. Charge-sheet came to be filed. Trial started. In the Trial Court, accused applied for bail. Their applications for bail came to be rejected. Thereafter, accused Kiran filed Criminal Appeal No. 63 of 2024. Accused Rupesh filed Criminal Appeal No. 489 of 2024. Both the appeals came to be allowed by this Court by order dated 25.09.2024 on certain conditions. Other appeals came to be rejected/withdrawn.

05. The appellants have again approached this Court seeking bail on the ground that still the Trial is not concluded.

06. Learned Advocate Mr. Chapalgaonkar for the appellants vehemently argued that the appellant in Appeal No. 100 of 2025 came to be arrested on 17.05.2015. Other accused came to be arrested on 23.05.2015. He submits that in the meantime, the accused has approached this Court. Appellant No.2 in Appeal No. 100 of 2025 again applied for bail. He also preferred appeal bearing No. 1056 of 2019 along with other co-accused. The appeals were, however, disposed off directing the Sessions Court to dispose off the Trial within a period of six months. Even, thereafter, the trial is not concluded. The appellants

again preferred bail applications. By common order below below Exh. 451 and 459 in the Sessions Court, same were rejected. The appeals of two accused, namely, Kiran and Rupesh are allowed by this Court and they are released on bail. He submits that thus on the ground of parity also present appellants deserve to be released on bail.

07. Learned APP submits that because of the proceedings in the High Court, file was called in the High Court and for three years, the Trial Could not show any progress as file was in the High Court. On merits it is submitted that there is strong motive and there is also theory of last seen together. On that count, the Trial Court and this Court rightly rejected the earlier applications/appeals. It is submitted by the learned APP that for delay in the Trial, the accused themselves are responsible. She drawn attention of this Court to the panchanama and observations by the Sessions Court from order below application Exhs. 451 and 459 filed by Vishal and Somnath. It is submitted that on various occasions the appellants have filed appeals of similar nature. During the pandemic period of Covid 19, the accused persons were released on temporary bail. While on bail, they repeated the crime and committed various offences which are registered at different police stations. Learned APP thus submits that no case is made out for grant of bail. It is because of

proceeding filed by accused Yogesh, there was delay as he was absconding for six months from 02.06.2024 by running away from the custody, while being taken to Court. As regards Somnath and Shoyab, it is submitted that when they were on bail, they repeatedly breached the conditions. They did not report the police station regularly. Their conduct while on bail is also pointed out.

08. The learned APP in Criminal Appeal No. 100 of 2025 and 223 of 2025 invited attention to the criminal antecedents of the appellants. She submits that when the appellants were on bail, family of the informant was receiving threats. The Court has already observed that they are habitual offenders. She thus submits that no bail be granted.

09. This Court has seen various orders in various proceedings filed before this Court. It is seen from such orders that the conduct of the present appellants is also a reason for delay in the Trial. Learned APP rightly pointed out Roznama dated 11.08.2025 and 19.08.2025 to show the conduct of the accused person. It is submitted that the trial could not be completed within a period of six months due to conduct of the appellants.

10. During the course of arguments, the parties relied upon judgment **Javed Gulam Nahi Shaikh Vs. State of Maharashtra (2024) 9 SCC 813**. In the said case, the Hon'ble Supreme Court considered grant of bail in the cases of Terrorism and Organized Crime, Unlawful Activities (Prevention) Act. The Hon'ble Supreme Court considered mandate of section 436-A of the Cr.P.C. It was a case where accused were in custody. The charges were not framed for a long time. In the said case the trial was not likely to conclude in the near future. Though the appellants were facing trial under the provisions of UAP Act, still bail was granted.

11. In the case of **Union of India Vs. K.A. Najeed, (2021) 3 SCC 713**, the Hon'ble Apex Court considered Article 21 r/w part III of principles guaranteed by the Constitution of India. It is held that speedy trial is part of Part III of the Constitution and Article 21 of the Constitution. In that case the Trial was not concluded though the accused was in custody, though suffered incarceration for significant period of time.

12. In the present case this Court finds that though accused persons are in custody, they were released on bail during Covid period.

During that period again offences came to be registered of similar nature. This Court thus finds force in the arguments of the learned APP and learned Advocate appointed for the informant that no case is made out to grant of bail.

13. The trial is not delayed only because of the prosecution. Even accused persons are responsible for prolonging the Trial. Considering the above this Court finds that no case is made out to allow the appeal. The Criminal Appeals, therefore, stand dismissed.

14. Learned Trial Court is expected to finish the Trial within six months from today. If the Trial is not completed within six months, the appellants are at liberty to again approach this Court for bail.

15. This Court appreciates the efforts taken by learned Advocates appointed for the informant. They shall be entitled to fees of Rs. 5000/- (Rupees Five Thousand) in each petition, to be paid by High Court Legal Services Sub-Committee, Aurangabad.

[KISHORE C. SANT, J.]