



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 BAIL APPLICATION NO. 876 OF 2025

Sandip Raichand Gunjal alias Dolase

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Suryawanshi Sanket N.

APP for Respondents: Mr. P.P. Dawaalkar

Advocate for assist the A.P.P. : Mr. S.R. Zambre

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 22nd SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting bail under section 439 of the Criminal Procedure Code, 1973 in connection with crime No. 136 of 2018 registered with Kotwali police station, District Ahmednagar for the offences punishable under Sections 302, 303, 120-B, 143, 144, 145, 147, 148, 149, 504 and 506 r.w. 34 of the I.P.C. and under Section 3/25 and 4/25 of the Arms Act.

2. The informant averred in the report that his father has been murdered by this applicant and other co-accused persons on account of political rivalry with a revolver by shooting him.

3. Learned advocate for the applicant submitted that all other co-accused are released on bail. The trial was expedited by this Court

for concluding it as early as possible. The applicant is arrested on 8.4.2018. For more than seven years, the applicant is behind bars. The right of speedy trial of the applicant is affected. He submitted that the trial is not yet started. Learned advocate is relying upon the following authorities:-

- i) Criminal Appeal Nos. 3204-3205 of 2023 (Arising out of S.L.P. (Cri.) Nos. 9963-9964 of 2023) Vishal Balasaheb Kotkar vs. The State of Maharashtra, decided on 13.10.2023 in which the appellant undergone incarceration for a period of five years and six months on the ground of delay for trial, bail is granted.
- ii) Order of this Court in bail application No. 1782 of 2024, Md. Javed Md. Jalil vs. State of Maharashtra decided on 11.8.2025, in which it is held that accused has right to speedy trial.

4. Learned A.P.P. for the respondent-State assisted by learned advocate Mr. Zambre, has strongly opposed the application and submitted that the applicant is arrested in a serious offence. He has criminal antecedents and two more crimes are registered against the applicant with Tofkhana police station, Ahmednagar i.e. (i) Crime No. 324 of 2009 for the offence under Section 379 (R.C.C. No. 52 of 2010) and Crime No. 468 of 2017 for the offences punishable under Sections 452, 504 and 506 of I.P.C. (R.C.C. No. 435 of 2018). He

therefore, prayed for rejection of the application.

5. The applicant is arrested on 8.4.2018. He is behind bars for seven years. The trial was expedited. However, the trial court did not conclude it. A report is called from the concerned trial court as to the status of the trial. The said report is received and it shows that the some applications are filed by the co-accused persons for discharge and some applications filed for cancellation of bail, are pending. The right of the accused for speedy trial is affected as per the Article 21 of the Constitution of India and the law laid down in the authorities cited supra. Considering the law laid down in the above cited cases and the fact that applicant is behind bars for more than seven years, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant, in connection with crime No. 136 of 2018 registered with Kotwali police station, District Ahmednagar for the offences punishable under Sections 302, 303, 120-B, 143, 144, 145, 147, 148, 149, 504, 506 r.w. 34 of the I.P.C. and under Section 3/25 and 4/25 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicant, except the date/s fixed for trial by the trial court, shall not enter into Ahmednagar (Ahilyanagar) city till the conclusion of the trial.
- c) The applicant shall not indulge in any criminal activities. If it is found that the investigating officer or the informant that the applicant is involved in such illegal activities, they may apply for cancellation of bail before the trial court though the bail is granted by this Court.

(SANJAY A. DESHMUKH, J.)

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