



(1)

906criapl385.25

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

906 CRIMINAL APPEAL NO. 385 OF 2025

SUNITA ULFERAO SHINDE

....Appellant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

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

Mr. Wajed Ahmed Shaikh, Advocate for the respondent

Mr. R. B. Dhaware, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 26th AUGUST, 2025

P. C.

1. Heard the parties.

2. This successive bail appeal is filed mainly on the ground of delay in trial. The appellant is facing prosecution for the offences punishable under Sections 109, 114, 120-B, 143, 147, 148, 149, 302, 504, 506 of the IPC and Sections 3(2)(s) & 3(2)(va) of the SC and ST (Prevention of Atrocities) Act.

3. It is the case of the appellant that she is arrested on 24-01-2024 and since then she is in jail. Her earlier appeal is rejected by this court by order dated 21-10-2024 bearing Criminal Appeal No. 841/2024.

4. The learned advocate for the appellant argued that the trial could not commence only for the reasons that Muddemal property is still not produced before the court. He relies upon the judgment in the case of Savita Yashwant Sayre Vs State in SLP (Criminal) No. 4274/2025 and Mohd. Enamul Haque VS Directorate of Enforcement in Criminal Appeal No. 398/2024.

4. The learned APP submits that the Muddemal property is sent to the Forensic Science Laboratory on 21-02-2024. There are 42 articles which are sent for chemical analysis. For this reason some time is required to get the report/s. The delay is not because of negligence or lethargy on the part of the prosecution. But, it is for genuine reason. It is also pointed out

by the learned APP that as there are criminal antecedents against the appellant, the bail application was rejected by this court on merits. He, thus, opposed the bail appeal.

5. The learned advocate for respondent No. 2 also vehemently opposed the appeal.

6. The Hon'ble Apex Court in the case of Savita considered that the applicant therein was a lady who was arrested on 07-04-2024. The trial still was not started. Considering that trial would take some time to complete, the court allowed the appeal and enlarged the applicant therein on stringent conditions. It was offence under Sections 302 read with section 34 and 212 of the IPC. In the case of Javed Gulam Nabi Shaikh Vs State of Maharashtra and anr¹ the prayer of bail was considered on the ground of delay in trial. That was offence under Unlawful Activities (Prevention) Act. The Hon'ble Apex Court considered the liberty under Section 21 of the Constitution of India. In the case of Mohd. Enamul Haque

¹ AIR Online 2024 SC 497

(supra) also the Hon'ble Apex Court enlarged the appellant therein since he was in jail for more than four years as trial had not commenced. In the case of Javed and Mohd. (supra) the court held that the accused are not responsible for delay in trial. In the case of Savita (supra) the Hon'ble Apex Court observed same thing. The court also considered that the trial is likely to take indefinite time to complete.

7. This court finds that it is hardly one year and eight months from the date of arrest. Merely the petitioner being a lady cannot be a consideration to release her on bail and on the sole ground of delay. It is true that it is a right of the accused to get the speedy trial. However, at the same time, itself that would not give right to get the bail as matter of right. In the earlier order when this court has considered the merit and has specifically rejected the application. This court does not find any propriety in considering this appeal. It also seen that because of number of articles of muddemal time is taken by the Forensic Lab to send the report.

8. The Forensic Lab is expected to send the report at the earliest. In spite of efforts, if the trial could not commence, the appellant would be at liberty to again apply for bail on the ground of delay after six months.

9. With this liberty, the criminal appeal stands dismissed.

[KISHORE C. SANT, J.]

VishalK/906criapl385.25