



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

918 BAIL APPLICATION NO. 1529 OF 2025

SHAIKH JAHIR SHAIKH KHADIR
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Solanke Sharad S., Advocate for Applicant
Mr. A. D. Wange, APP for Respondent/State
Mr. M. V. Salunke, Advocate for the informant

**WITH
CRIMINAL APPLICATION NO. 3316 OF 2025
IN BA/1529/2025**

SAJED SAMANDAR PATHAN
VERSUS
JAHIR KHADIR SHAIKH AND ANOTHER

...

Mr. Salunke Mayur Vasant, Advocate for Applicant
Mr. A. D. Wange, APP for Respondent/State
Mr. Solanke Sharad S., Advocate for Respondent No.1

**CORAM : SANJAY A. DESHMUKH, J.
DATE : 07.10.2025**

PER COURT :-

**CRIMINAL APPLICATION NO. 3316 OF 2025
IN BA/1529/2025**

1. This is an application for assist to Public Prosecutor.
2. The learned advocate for the applicant is permitted to assist the public Prosecutor.
3. The application is disposed of.

BAIL APPLICATION NO. 1529 OF 2025

1. Heard.

2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.359 of 2024 registered at Majalgaon City Police Station, District Beed, for the offences punishable under Sections 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 5 of the Arms Act, 1959.

3. The learned advocate for the applicant pointed out an order passed by this Court in Bail Application No.172 of 2025, by which the applicant's prayer for bail was rejected by an order dated 05.03.2025. He submitted that there has been considerable delay in filing the charge-sheet and in concluding the trial. On this ground, he prayed that the applicant be released on bail. He also tried to argue on factual aspects of the case, however, this Court restricted his submissions only to the aspect of the alleged delay in the trial, i.e., the right to a speedy trial.

4. The learned APP for the State strongly opposed the application and submitted that the applicant was arrested on 22.09.2024 and therefore, it cannot be said that there is any undue delay. It is further submitted that at the most, appropriate directions may be given to the learned Trial Court to expedite the trial proceedings. It is lastly prayed to reject the application.

5. Perused the grounds raised in the application. This Court cannot entertain any argument on factual aspects, as the earlier Bail Application filed by the applicant has already been rejected by this Court, in view of the

law laid down by the Hon'ble Supreme Court in ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav, (2005) 2 SCC 42***. Insofar as the right to a speedy trial is concerned, the Hon'ble Supreme Court in ***Tapas Kumar Palit v. State of Chhattisgarh, 2025 SCC OnLine SC 322***, has directed all the Sessions Courts to conduct trials on a day-to-day basis and to avoid granting unnecessary adjournments.

6. Considering the above legal position and the facts of the present case, at the most, directions can be issued to the learned Trial Court to conclude the trial as expeditiously as possible. No ground is made out to grant bail to the applicant on the ground of delay in trial. Hence, the application is rejected.

7. The learned Trial Court is directed to conclude the trial as expeditiously as possible, in accordance with the directions issued by the Hon'ble Supreme Court in ***Tapas Kumar Palit v. State of Chhattisgarh*** (supra). However, it is clarified that if any sessions case has been expedited either by the Hon'ble Supreme Court or by this Court, the Trial Court shall proceed with those cases first and thereafter conclude the trial in the present case.

[SANJAY A. DESHMUKH, J.]

HRJadhav