



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1715 OF 2025

DILIP WAMAN SOLUNKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P. P. More
APP for Respondents-State : Mr. V. M. Chate
...

CORAM : SACHIN S. DESHMUKH, J.
Date : 4th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 18.05.2021 bearing Crime No. 129 of 2021 registered with Nilanga Police Station, for the offences punishable under Sections 302, 307, 143, 147, 148, 324, 323, 504 and 506 read with 149 of the Indian Penal Code alongwith Section 135 of the Maharashtra Police Act.

2. The prosecution case is that on 17.05.2021 at 2.30 pm, informant alongwith his father, was returning to village Yelnur, Tq. Nilanga, Dist. Latur via Sindhkhed. Near the bridge, at about 3.00 pm, all the accused including the applicant came there in three Innova Cars and assaulted the informant and his father. All the accused were armed with sticks and stones. Due to the assault, the

father of the informant succumbed to injuries. Informant was also assaulted by accused Siddheshwar by means of knife and aimed the blow at the informant's abdomen, but informant intercepted it with his hand. Resultantly, suffered an injury to his hand.

3. The learned counsel for applicant submits that the applicant was arrested on 22.01.2022. Applicant has suffered incarceration for more than three years. The trial has not progressed and the same is at the stage of framing of charge. It is further submitted that all the accused have been released on bail except the present applicant. Hence, prayed to allow the application.

4. Per contra, the learned APP submits that the crime is serious in nature and there is sufficient material on record to establish the complicity of the applicant in question. Hence, prayed to reject the application.

5. It is a matter of record that previous bail application of the applicant was withdrawn. Apparently, the applicant has suffered incarceration for more than three years and the trial has not commenced. Pertinently, the case is at the stage of framing of charge. Nevertheless, the cause of delay in trial is not clarified before this Court and likely duration for completion of trial is also uncertain. As has been held by the Apex Court in the case of

Javed Gulam Nabi Shaikh Vs. State of Maharashtra (2024) 9 SCC 813, observed that speedy trial is an integral and essential part of fundamental right of life and liberty under Article 21 of the Constitution of India. This right cannot be suspended or withheld on the part of delayed trial by the prosecuting agency.

6. Similarly, this Court while dealing with similar request of the co-accused person in Bail Applications No.2122 of 2023 and 2272 of 2024, has allowed the applications and enlarged the co-accused on bail. In view of the same, the applicant is also entitled for bail on the ground of parity.

7. Equally, in the case of ***Sangram Suryawanshi vs. State of Maharashtra decided on November 25, 2024***, the Honourable Apex Court has held that Constitutional Courts in the ordinary course should refrain from fixing a time bound schedule for disposal of cases pending before any other courts. Constitutional Courts may issue directions for time bound disposal of cases only in exceptional circumstances. The issue prioritizing disposal of cases should be best left to the decision of courts concerned where cases are pending.

8. In view of aforesaid peculiar aspects and considering allegations against the applicant as well as incarceration for more than three years, further detention of the applicant is unjustified.

In the result, a case is made out for grant of bail. Hence, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant - Dilip Waman Solunke be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 129 of 2021 registered with Nilanga Police Station, for the offences punishable under Sections 302, 307, 143, 147, 148, 324, 323, 504 and 506 read with 149 of the Indian Penal Code alongwith Section 135 of the Maharashtra Police Act, on the following conditions :-
 - (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (III) Needless to state that the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)