

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.366 OF 2025

Sujit Rajaram Shinde	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Satyavrat Joshi i/by Ms. Reena Prajapati, Advocate, for the Applicant.

Mr. S.S Ghag, APP, for the Respondent-State.

PSI, Mr. Keshav Shankar Randive, Sangli city Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 27th March 2025

PC:-

1) Heard Mr. Satyavrat Joshi a/w. Ms. Reena Prajapati, learned Counsel appearing for the Applicant and Mr. Ghag, learned APP appearing for the Respondent-State.

2) This is the Second Bail Application. The first Bail Application has been rejected by this Court by Order dated 18th January 2024 passed in Bail Application No.3740 of 2023. By that Order, the Applicant has been granted liberty to file fresh Bail Application after a period of one year in case there is no substantial progress in the trial. Accordingly, the present Bail Application has been filed.

3) The relevant details are as follows:-

1	C. R. No.	661/2022
2	Date of registration of F.I.R.	29/09/2022
3	Name of Police Station	Sangli City Police Station, Sangli
4	Section/s invoked	302, 504, 506, 201, 212 r/w. 34 of the Indian Penal Code, 1860.
5	Date of incident	28/09/2022
6	Date of arrest	29/09/2022
7	C. R. No.	661/2022
8	Date of filing of Chage-sheet	24/12/2022

4) It is the contention of Mr. Joshi, learned Counsel for the Applicant that the Applicant is behind bar since 29th September 2022 and till date, there is no progress in the trial except framing of the Charge. He, therefore seeks to release the Applicant on bail. Mr. Joshi, learned Counsel states that there are total 6 accused, out of which 2 accused have been released on bail by this Court and 3 accused have been released on bail by the Sessions Court. The Applicant is the only accused, who is behind bar. Mr. Joshi, learned Counsel submitted that the motive to commit the offence was that the deceased was harassing the cousin sister of the Applicant.

5) On the other hand, learned APP strongly opposes the Bail Application. He submits that the Applicant has committed the offence barely after a period of 20 days after he has been released on bail in an earlier offence. He, therefore submitted that the Bail Application be rejected.

6) The Respondent – State of Maharashtra has filed Affidavit dated 3rd March 2025 of Sanjay Shivajirao More, Police Inspector, Sangli Police Station, Sangli opposing the Bail Application. In paragraph 3 of the said Affidavit, prosecution case is set out, which reads as under :

“(a) That Informant namely Rohit Baburao Angadgiri, lodged FIR on 29.09.2022 inter alia stating therein that on 28.09.2022 at about 5.30 to 6.00 p.m., the informant's brother Ajit Baburao Angadgiri work in our farm at near Padmal fata on Mhasoba Mandir to Madhav Nagar Road, three unknown persons are coming on without number plate Splender motorcycle for some unknown reason and forced him forcefully on the road and stabbing him with sharp weapon on his chest, left side of the waist and backside, seriously injured him and killed him and threaten to kill our farm labour Suraj Sharma who was with his brother.

b) It is the case of the informant that after this, informant and his brother Ajit Baburao Angadgiri studying in Kasturba Walchand College, Sangli in B.A.

first year and also Associate helps us in business and farm work. At the same time Mr. Ajay Kamble he told to complainant about quarrel of his brother with his college boys occurred prior to 2 years ago. Then complainant asked Ajit about that matter, he stated on dated 28.09.2020 around 12.00 PM. Complainant came from his work his brother Ajit was at home. He was not going to college for two days and was feeling tense so complainant asked Ajit why he is not going to college. He did not tell him anything. After that at 2.00 PM. Ajit was sitting on our Panpatti Shop which is near our house. At that time complainant said him to go to our farm situated near Padmal fata on Mhasoba Mandir to Madhav Nagar Road to help grandma and workers. Then he went towards farm with farm worker Suraj Sharma at 3.00 PM. Around 5.30 PM complainant was present at his Panpatti, three unknown boys aged between 18 to 25 years coming on Motor Cycle looking as Chhapri and wasted boys. They told them about Ajju, complainant says he is going to Sangli at that time. The boy wearing White Shirt said innocently अज्जू माझा मित्र आहे. तो लई दिवस झाले भेटला नाही. त्याला भेटायचे आहे. So he told him Ajit going to farm at Madhav Nagar Road; then these three boys went triple seat on motorcycle with the complainant. After that complainant called Ajit 3 to 4 times, but he did not pick-up his call and not replied. At the same time around 6.00 PM, his acquaintance Balu Mane coming to him from his bike and called him, रोहित तुझा भाऊ माधवनगर रस्त्याला पोरांनी मारले आहे तु लवकर चल. At that time he along with Balu Mane went to Madhav Nagar Road on the Motor Cycle, where his brother was killed. At that time he saw his brother Ajju was laying in the grass by the roadside, farm worker Suraj Sharma was trying to wake-up his brother and grandma was sitting crying. Brother's cloth was stained with blood. The road was covered with full of blood. At that time he called Akshay Pawar to take his

Tamtam Car to Madhav Nagar Road, complainant Suraj Sharma and Vikas together put him and took Ajju to Civil Hospital. Then complainant asked to Suraj Sharma about incident. He said three unknown boys coming on modified Splender Motor Cycle without number plate to our farm, two of them come to Ajju on field and they were taking him out, then Ajju was a little scared. Then Ajju called him to said his brother, but those two boys forcefully put him to the road and started to kill him. Three boys assaulted Ajju with deadly weapon. Then Ajju was shouted, he will going towards Ajju. Ajju was laying, blood was oozing from his body. Two persons were sitting on the bicycle and one boy who assaulted Ajju also threatened me तुम माधवनगर रोड पर मिल तेरा भी ऐसा ही गेम करेंगे. After saying this they took the bicycle and ran away. Then he went towards Ajju and starting lifting him, then he was breathing a little bit. After the said incident, the Police came there.

(c) On the basis of the complaint of the informant, offence vide CR No. 661/2022 u/secs. 302, 506, 201, 212, 34 of IPC, registered with Sangli City Police Station, Dist. Sangli on 29.09.2022 against three unknown accused persons and investigation was commenced and it was assigned to Mr. Abhijit Deshmukh, Police Inspector, Sangli City Police Station, Sangli who conducted investigation till filing charge sheet in the aforesaid offence.”

7) Perusal of the record shows that *prima facie* the Applicant is involved in the offence in question and therefore not entitled to be released on bail on merits.

8) Mr. Joshi, learned Counsel appearing for the Applicant has relied on the decision of the Supreme Court in case of **Javed Gulam Nabi Shaikh vs. State of Maharashtra & Anr.**¹ He relied on paragraph Nos.8 to 11 and paragraph Nos.18 to 20 of the said decision of the Supreme Court. The said paragraphs are produced herein below for ready reference:

*“8. Having regard to the aforesaid, we wonder by what period of time, the trial will ultimately conclude. **Howsoever serious a crime may be, an accused has a right to speedy trial as enshrined under the Constitution of India.***

9. Over a period of time, the trial courts and the High Courts have forgotten a very well settled principle of law that bail is not to be withheld as a punishment.

10. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in Gudikanti Narasimhulu v. Public Prosecutor, High Court reported in (1978) 1 SCC 240. We quote:

“What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody pending trial or disposal of an appeal. Lord Russel, C.J., said [R v. Rose, (1898) 18 Cox]:

“I observe that in this case bail was refused for the prisoner. It cannot be too strongly

¹ 2024 SCC OnLine SC 1693

impressed on the, magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial.”

11. The same principle has been reiterated by this Court in Gurbaksh Singh Sibba v. State of Punjab, (1980) 2 SCC 565 that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment.”

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is

serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

*20. We may hasten to add that **the petitioner is still an accused; not a convict.** The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.”*

(Emphasis supplied)

9) The Applicant has been arrested on 29th September 2022. The Applicant is incarcerated for more than two years and six months. Till date there is no progress in the trial, except framing of the charge. As per the prosecution case, there are total 68 witnesses proposed to be examined by the prosecution. This is a case where there is no likelihood of completion of the trial within a reasonable period. The observations of the Supreme Court in **Javed Gulam Nabi Shaikh** (supra) are squarely applicable to the present case.

10) Although there is one criminal antecedent against the present Applicant, he has been released on bail in that case.

11) There is some apprehension expressed by Mr. Ghag, learned APP that the Applicant may try to influence the witnesses. In view of said apprehension, Mr. Joshi, learned Counsel appearing for the

Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within District - Sangli and that the Applicant will reside at C/o. Mrs. Asharani Suryakant (Cousin), Wasud Road, Pani Taki, Sangola, Taluka - Sangola, District - Solapur.

12) The Applicant does not appear to be at risk of flight.

13) Accordingly, the Applicant can be enlarged on bail by imposing stringent conditions.

14) In view thereof, the following order:-

ORDER

(a) The Applicant- Sujit Rajaram Shinde be released on bail in connection with C.R. No.661 of 2022 registered with the Sangli City Police Station, District - Sangli on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter District - Sangli after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial including the trial relating to C.R. No. 338 of

2023 registered with Vishrambag Police Station, Sangli.

- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Sangola Police Station, District-Solapur (Rural) once every week, on every Sunday between 11:00 a.m. and 1:00 p.m. till the conclusion of the trial. The Police Inspector of Jaysingpur Police Station, District-Kolhapur to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

15) The Bail Application is disposed of accordingly.

16) It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

(MADHAV J. JAMDAR, J.)