



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**CRIMINAL APPLICATION(BA) NO. 903 OF 2025**

Dadarao Pandit Jadhav Vs. State of Maharashtra

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. M.N.Ali,counsel for the applicant.  
Mr. Ujjawal Phasate ,APP for the State.

**CORAM : MRS. VRUSHALI V. JOSHI, J.**

**DATE : 15/10/2025**

1) The applicant is arrested in Crime No 269 of 2022 registered with Police Station Dhad, district Buldhana for the offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code,1860.

2) Allegations are made of committing the murder. The learned counsel for the applicant has stated that co accused is released on bail. Hence, parity is applicable and there is delay in trial. Since, October-2022 he is in jail, therefore, he is entitled for bail on the ground of delay in trial.

3) I have heard both the sides.

4) The applicant has relied on the judgment in the case of Javed Gulam Nabi Shaikh Vs.State of Maharashtra and

anr. reported in **2024 DGLS(SC) 668**. The Hon'ble Apex Court in paragraph Nos. 19 and 20 has observed as under:

*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 overarching 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”.*

5) I have heard both the sides and perused the record. The status report was called. As per the status report, the matter is listed for evidence and the learned counsel for the accused has taken time. As per the judgment of Hon'ble Apex Court in Special Leave Petition (Criminal) No.13378 of 2024 (X vs. State of Rajasthan and anr. if the trial is initiated and the delay is causing because of the accused, then the ground of delay in trial is not available. Cross-examination of the witness is not conducted from

22.07.2025 though the witnesses were present, the learned advocate for the accused filed adjournment application. It appears from the report received from the Principal District and Sessions Judge, Buldhana that accused sought adjournments on the ground that, the accused has filed the bail application, and he has sought adjournments on that count time to time. It is the stage of recording of evidence as the trial is initiated as per the judgment in the case of X vs. State of Rajasthan *supra*, the ground of delay is not available. Hence, the application is rejected and disposed of.

6) Pending application/s, if any is/are stand/s disposed of.

**JUDGE**