



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

CRIMINAL APPEAL NO.227/2025

(Mohd. Ahfaz S/o Mohd. Abrar Vs. State of Maharashtra, through Police Station Officer, Umarkhed Police Station,
Distt. Yavatmal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.K. Tiwari, Advocate for the appellant.
Mr. Ujjwal Phasate, A.P.P. for the respondent No.1/State.
Mr. Yuvraj Dhande, Advocate for the respondent No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 3.12.2025.

The appellant is arrested in Crime No.18/2022 for the offence punishable under Sections 302, 109, 120-B, 212 and 201 of the Indian Penal Code, Sections 3/25 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The appellant has approached this Court for second time on the ground of delay.

3. The learned Advocate for the appellant has stated that though the offence punishable under Section 302 of I.P.C. is registered against this appellant other 7 co-accused are already released on bail. The case rests on the direct evidence. This appellant is in jail since last three years. There is no progress in trial. Hence by relying on the judgment in the case of Surendra V/s. State of Maharashtra (Special Leave Petition No.5139/2025) he has prayed to release the appellant on bail on the ground of delay in trial. He has also relied on the order of this Court in the case of Shrikant Alias Nehal Bhagavandas Bhivgade V/s. State of Maharashtra and another (Criminal

Application (BA) No.645/2024) wherein the applicant was released on bail on the ground of delay and considering the judgment passed by the Hon'ble Apex Court. He has also relied on the order passed by this Court in the case of Narendra Fattu Pipardhare V/s. State of Maharashtra (Criminal Application (BA) No.759/2025) in support of his argument that if there is no progress in trial and there is delay in trial then the appellant is entitled for bail.

4. The learned A.P.P. opposed the appeal stating that there is direct evidence though all other co-accused are released on bail the application of this appellant is rejected. Considering the gravity and as all other co-accused are not appearing in trial there is delay in trial. Hence, prayed to reject the appeal.

5. Heard both sides and perused the record.

6. The appeal is filed on the ground of delay in trial.

7. The status report was called.

8. On going through the status report it appears that the trial is not initiated and even the charge is not framed. The other co-accused are not coming and filing exemption application and trial Court is granting it liberally, no efforts are taken to commence the trial though the trial is pending since 2022. The prosecution has not taken any efforts. Considering the period of incarceration of this appellant and as there is no progress in trial as per the judgment of the Hon'ble Apex Court in Surendra V/s. State of Maharashtra (supra) appellant is entitled for bail.

9. The Criminal appeal is allowed.

i) Appellant - Mohd. Ahfaz S/o Mohd. Abrar be released on bail in Crime No.18/2022 for the offence punishable under Sections 302,

109, 120-B, 212 and 201 of the Indian Penal Code, Sections 3/25 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

- ii) The appellant shall not in any way tamper with the prosecution evidence.
- iii) The appellant shall not pressurize or threaten the prosecution witnesses.
- iv) The appellant shall co-operate the learned trial Judge in the conduct of the trial.

(MRS.VRUSHALI V.JOSHI, J.)