



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

BAIL APPLICATION NO.2434 OF 2025

Baban Aaba Shinde

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. S.S. Nade, Advocate for applicant
Mr. B.B. Bhise, A.P.P. for respondents – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16th JANUARY, 2026

PER COURT :

1. This is an application for release of the applicant on regular bail in connection with Crime No.58/2014, registered with Osmanabad Rural Police Station, District Dharashiv for the offences punishable under Sections 394, 395 read with Section 34 of the Indian Penal Code.

2. The prosecution case is that, in the midnight of 24/4/2024, the assailants robbers forcefully entered into the cabin of the container vehicle bearing No.HR-55/B-2803 near Railway

Bridge in the vicinity of village Yedshi and looted cash of Rs.20,000/-, two mobile handsets of the driver and cleaner and also electric motor box, tyre stepney of the container vehicle and 375 litres of diesel from the fuel tank of the vehicle.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the present case. He further submits that, two independent crimes were registered against him. Crime No.39/2014 was registered under the provisions of the Maharashtra Control of Organised Crime Act, 1999 read with Indian Penal Code and the present crime i.e. Crime No.58/2014 was registered under Section 395 of the Indian Penal Code. It is submitted that the present applicant is behind the bars since 1/4/2025 in connection with Crime No.39/2014, registered with Yermala Police Station. The other co-accused in the said crime were released on bail. Therefore, even on the ground of parity, the applicant deserves to be released on bail.

4. The learned A.P.P. opposed the application, contending that there are criminal antecedents against the applicant, he applicant is harden criminal and if is released on bail, he will repeat the similar offences.

5. Having considered the submissions, it reveals that, the offence is of the year 2014. The chargesheet is filed on 13/2/2025 and the case is registered as Sessions Case No.15/2025. The applicant is in custody since 14/5/2014 i.e. prolonged incarceration of almost 11 years.

6. The Hon'ble Apex Court, in the case of **Javed Gulam Nabi Shaikh vs. State of Maharashtra and another**, Criminal Appeal No. 2787 of 2024 (arising out of SLP (Cri.) No.3809 of 2024), in para 12 it is held that;

“12. Long back, in *Hussainara Khatoon v. Home Secy., State of Bihar* reported in (1980) 1 SCC 81, this court had declared that the right to speedy trial of offenders facing criminal charges is “implicit in the broad sweep and content of Article 21 as interpreted by this Court”. Remarking that a valid procedure under Article 21 is one which contains a procedure that is “reasonable, fair and just” it was held that:

“Now obviously procedure prescribed by law for depriving a person of liberty cannot be “reasonable, fair or just” unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as “reasonable, fair or just” and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what

would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21.”

7. As such, further detention of the applicant as an undertrial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Baban Aaba Shinde be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (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.)

fmp/-