

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3615 OF 2024

Shauba Bapu Khandekar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Ramanik Pawar i/by Mr. Parvej Nadaf, Advocate for Applicant.

Mr. Saurabh P. Tandale, Advocate for Intervenor.

Mr. Nitin. B. Patil, APP for the Respondent-State.

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 12th JANUARY 2026.

P.C.

1. By this application, the applicant seeks bail in Crime No.1184 of 2022 registered with Sangola Police Station, District : Solapur (Rural) for the offences punishable under Sections 302, 307, 341, 324, 143, 147, 148, 149, 427 504 & 506 of the Indian Penal Code (IPC), Sections 4 & 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act on the ground of parity.

2. The applicant is accused of committing murder of deceased – Gangaram Gavade along with 9 other accused by assaulting him with sword, sticks & iron rod etc.

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3. Heard learned Advocate for Applicant, learned APP for the Respondent-State and learned Advocate for Intervenor. perused the record.

4. Learned Advocate for Applicant submits that she is seeking bail only on the ground of parity and not on the merits. The applicant is arrested on 17th October 2022, the charge-sheet is filed on 9th January, 2023 and the case is numbered as Sessions Case No.32 of 2023 and till date, not a single witness has been examined.

5. Learned APP and learned Advocate for Intervenor has strenuously opposed the application stating that the active participation of the applicant in the present crime is reflected from the charge-sheet. Learned APP submits that witness summons are issued to the witnesses and the trial is likely to commence and therefore, the applicant may not be granted bail.

6. It is a matter of record that the applicant is arrested on 17th October 2022, charge-sheet is filed on 9th January, 2023 and charge is framed on 10th February, 2025. In spite of lapse of more than one and half years period, not a single witness is examined. The co-accused Raju @ Tatoba Khandekar is granted bail in Criminal Bail application No.5040 of 2024 by this Court (Coram : Madhav J. Jamdar, J) by order dated 24th April 2025 by observing as follows :

“6. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused¹. Therefore, the Applicant is entitled for bail”

7. There are no antecedents against the applicant. The observations made by this Court in the aforesaid paragraph are squarely applicable to the case of the applicant.

8. It is made clear that applicant is not entitled for grant of bail on merits. However, as there is violation of fundamental right of applicant of speedy trial, the applicant is entitled to be released on bail on that ground alone. Accordingly, application is allowed on following conditions :

ORDER

(a) The Applicant- Shauba Bapu Khandekar be released on bail in connection with C.R. No.1184 of 2022 registered with the Sangola Police Station, Sangola District – Solapur (Rural) on his furnishing P.R. Bond of Rs.1,00,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating

1 Hussainara Khatoon (IV) v. Home Secy, State of Bihar, (1980) 1 SCC 98

Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall not enter the Taluka-Sangola, District-Solapur after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

(d) The Applicant shall report to the Mangalvedha Police Station, District – Solapur once a week on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Mangalvedha Police Station, District– Solapur 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.

(i) It is made clear that the applicant and the other co-accused shall not take unnecessary adjournment in the trial Court.

(j) Trial is expedited.

(NITIN B. SURYAWANSHI, J.)