



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [B.A.] NO. 1007 OF 2025

Rajesh Kantilal Shrishrimal (Jain)

-- VERSUS --

State of Maharashtra

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

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate a/b Mr. Dhruv S. Sirpurkar
(Through V.C.), Advocate for the Applicant.

Mr. D.V. Chauhan, P.P. (Senior Advocate), a/b Ms. M.H.
Deshmukh, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 20, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.576/2022 for the offence punishable under Sections 406, 409, 420, 468, 469 read with Section 34 of the Indian Penal Code, 1860, registered with Police Station Ramdaspath, District Akola.

3. The allegations in the First Information Report against the present applicant is of duping the Malkapur Urban Co-operative Bank, wherein the applicant is a customer. It is alleged that he has transferred amount of Rs.2,02,00,000/- in various bank accounts by misusing his account.

4. The present application is filed by the applicant on the ground that his right under Article 21 of the Constitution of India of speedy trial has been violated as he is in jail from 29/09/2022, i.e., for almost three and half years. He submits that the record is bulky and there is no possibility of trial being concluded in the near future, and therefore, prays to grant bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that initially the applicant has approached this Court by filing application, however, the said application was rejected by this Court on merits vide order dated 11/08/2023. The said order dated 11/08/2023 was challenged in the Supreme Court by filing Special Leave Petition (Criminal) No. 15614/2024, wherein the said Special Leave petition was withdrawn by the petitioner, and therefore, it was dismissed as withdrawn. Therefore, the learned A.P.P. submits that the order of this court passed on merits is confirmed by the Supreme Court, however, again the applicant has approached the trial Court by raising new ground of "Delay in Trial". Even that application was rejected by giving cogent reasons. It is the applicant who is responsible for the delay. There are multiple applications which are filed by the present applicant which has caused delay and lastly it is submitted that

there is no merit in the application and the same deserve to be rejected.

6. This Court, by an order dated 13/01/2026, has called the status report from the trial Court in order to verify the delay. Accordingly, the status report is received. I have perused the status report. It appears from the status report that, admittedly, at multiple times, the present applicant has filed an application, either for grant of bail or challenging the order of framing charge, or by filing application for discharge. It further appears that the bail applications are filed from time to time either under Section 437(6) or either under Section 439 Cr.P.C. on various grounds including medical condition of the present applicant, however, all those applications are rejected by the trial Court. It appears from the status report that the charges are framed on 15/10/2025, and accordingly, the matter was kept for evidence of prosecution witnesses. It further appears that on 29/10/2025, learned A.P.P. filed report under Section 294 of Cr.P.C. On 01/11/2025, learned A.P.P. filed witness list. Further, the learned counsel for accused has sought time to file say to report under Section 294 of Code of Criminal Procedure. Accordingly, on 07/11/2025 say was filed. Thereafter, summons was issued to the witness. One witness, i.e., Chartered Accountant has started her evidence.

Further, it appears that the learned A.P.P moved Pursis at Exh. 129 calling important documents which have been seized during investigation and kept in the Malkhana of the concerned Police Station. Thereafter, the examination-in-chief was differed till 17/12/2025. On 17/12/2025, witness P.W.-1 filed an application for adjournment and matter kept on 30/12/2025. On 30/12/2025, Presiding Officer was on leave, therefore, matter kept on 13/01/2026. On 13/01/2026, the concerned Police Station moved report having bandobast due to Municipal Corporation Election and thereby sought time to file documents called for. Therefore, it appears that the matter was adjourned on one or the other pretext. It further appears from the status report that the charge-sheet is running into 1174 pages and is having numerous bank documents. It further appears that the prosecution has cited approximately 30-40 witnesses.

7. Therefore, the report shows that the trial is not going to conclude in the near future because of which the learned counsel appearing for the applicant has pressed into service the judgments of the Supreme Court:-

(i) Javed Gulam Nabi Shaikh VS State of Maharashtra and Another, (2024) 9 SCC 813;

(ii) Sheikh Javed Iqbal VS State of Uttar Pradesh, (2024) 8 SCC 293;

In *Javed Gulam Nabi Shaikh (supra)*, it is held in para 17 as under:-

“17. 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.”

In *Sheikh Javed Iqbal (supra)*, it is held in Paragraph No.32 as under:-

“32. This Court has, time and again, emphasized that right to life and personal liberty enshrined Under Article 21 of the Constitution of India is overarching and sacrosanct. A constitutional court cannot be restrained from granting bail to an Accused on account of restrictive statutory provisions in a penal statute if it finds that the right of the Accused-undertrial Under Article 21 of the Constitution of India has been infringed. In that event, such statutory restrictions would not come in the way. Even in the case of interpretation of a penal statute, howsoever stringent it may be, a constitutional court has to lean in favour of constitutionalism and the Rule of law of which liberty is an intrinsic part. In the given facts of a particular case, a constitutional court may decline to grant bail. But It would be very wrong to say that under a particular statute, bail cannot be granted. It would run counter to the very grain of our constitutional

jurisprudence. In any view of the matter, K.A. Najeeb (supra) being rendered by a three Judge Bench is binding on a Bench of two Judges like us.”

8. Considering the dictum of the Supreme Court in both these judgments, wherein several other judgments of Supreme Court has been relied on, the Supreme Court in unequivocal terms has ruled that Article 21 of the Constitution of India protects the valuable right of the accused, insofar as the speedy trial is concerned. Any infringement of Article 21 of the Constitution of India so far as the delay in trial is concerned, accused would be entitled for bail. There are catena of judgments which also suggests that for indefinite period, accused cannot be kept behind bars. Therefore, in the present case, it could be gathered from the status report that the applicant has filed various applications before the trial Court, High Court and before the Supreme Court, that by itself, is not sufficient to deny the bail. The fact remains that the charge-sheet in the present case is voluminous having numerous bank documents. Further, it appears that the prosecution is going to examine as much as 30-40 witnesses. Under such contingency, naturally the trial is going to take some time, however, under such circumstances, the accused cannot be put behind bar for indefinite period. In the present case, the accused has undergone three and

half years of imprisonment, therefore, in my opinion, this is a fit case to grant bail. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Rajesh Kantilal Shrishrimal) be released on regular bail in connection with Crime No.576/2022 registered with Ramdaspath Police Station, District Akola, for the offence punishable under Sections 406, 409, 420, 468, 469 read with Section 34 of the Indian Penal Code, 1860, on his furnishing a PR. bond of Rs.5,00,000/- (Rupees Five Lakhs) with two solvent sureties in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail;

(vi) Pending Misc. Applications, if any, also stands disposed of.

[M.M. NERLIKAR, J]