



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

CRIMINAL APPLICATION [BA] NO. 1230 OF 2025.

Suraj Jagdish Pali

-VERSUS-

The State of Maharashtra

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

Court's or Judge's Orders

Shri A.S. Mardikar, Senior Advocate with Shri R.A. Mardikar,
Advocate for the Applicant.
Ms S. Haidri, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 07, 2026.

Heard learned Counsel for the parties.

2. The present application is filed by the applicant under Section 483 of the Bhartiya Nyaya Sanhita, 2023 for grant of regular bail in Crime No.6/2023 registered with Yavatmal Police Station for the offence punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code. The earlier application filed by the applicant was rejected by this Court by a reasoned order dated 19.12.2023.

3. The informant – Rajani Narendra Pali is wife of

deceased Narendra Pali and mother of deceased Rahul Pali. The allegations leveled against present applicant is that due to dispute in relation to partition and measurement of the disputed property, the applicant has inflicted blow with iron rod on the head of her husband and son, causing serious injuries to which they succumbed.

4. The learned Senior Counsel appearing for the applicant submits that he is not pressing the application on merits, however, he is pressing the application on the ground of delay in trial. He submits that the Supreme Court in catena of judgments has taken a view that speedy trial is a fundamental right of the accused, and therefore, if the trial is not concluded within a reasonable time, then the accused would be entitled to bail. He has relied on the judgment of Supreme Court in case of **Kapil Wadhawan .vrs. Central Bureau of Investigation (Slp (Cri) No.16953/2025 – decided on 11.12.2025)**, particularly paragraph nos.11, 12, 24 and 25. He has also relied on the judgment of Supreme Court in case of **Javed Gulam Nabi Shaikh .vrs. State of Maharashtra and another (Criminal Appeal No.2787/2024 – decided on 03.07.2024)**,

particularly paragraph nos.7 to 9 and 19 to 23.

5. On the other hand, the learned A.P.P. representing State opposes the application and submits that the trial is fixed on day to day basis, and it will be concluded within a period of 6 months, subject to cooperation from the defence side. She submits that merely delay in trial would not entail the applicant to claim the relief of grant of regular bail. She further submits that this Court has already rejected bail application of the applicant vide order dated 19.12.2023, and that rejection was on merit.

6. As could be gathered from the facts of the present case, the First Information Report was registered on 03.01.2023, charge sheet was filed on 29.03.2023. Thereafter, charge was framed against accused no.1/present applicant on 24.11.2023, however, prior to that the applicant came to be arrested on 04.01.2023.

7. In this application, by order dated 18.12.2024 status report of the trial from the concerned Court was called. Accordingly said report is received, wherein it is stated that initially charge sheet was filed before the trial Court on

29.03.2023, and thereafter on 30.05.2023, after passing order on Exh.1, the matter was committed to the Court of Sessions, by the Judicial Magistrate First Class [Court No.5], Yavatmal. Accordingly on 12.06.2023, the matter was registered as Sessions Trial No.79/2023. Thereafter, the matter was allotted to the Additional Sessions Judge for disposal in accordance with law. Initially all the accused were in jail. The report further states that in the meantime on 17.01.2023, the accused no.2 was released on bail and charge was framed against accused no.1 on 24.11.2023, to which he pleaded not guilty and came to be tried. On 17.02.2025, notice to admit documents under Section 294 of the Code of Criminal Procedure was filed. The program for commencing the trial along with list of witnesses was filed at Exh.33. Since 30.09.2025, the case is pending for evidence, but, since the accused could not be produced from jail, evidence could not be recorded. The report further states that on 04.12.2025, the matter was transferred to the Court of Sessions Judge at Yavatmal for final disposal. On 16.12.2025, the property is deposited in the court and thereafter, the matter is posted for

evidence on 15.01.2026.

8. The above report would suggest that steps are being taken to conclude the trial, however, today the learned A.P.P. has assured and made a statement that the prosecution would conclude its evidence within a period of 6 months.

9. There is no dispute that the Supreme Court has time and again considered the issue of delay in trial and passed several judgments in that regard. The judgments which are relied by the learned Senior Counsel would go to show that in case the trial is not commenced for a long time, the accused cannot be kept in jail for an indefinite period, there is no dispute in that regard.

10. In the case of Javed [supra], the Supreme Court while considering the facts of that case, has specifically stated that the appellant was in jail since past 4 years. It was further observed that till date the trial Court has not been able to even proceed to frame the charge. Therefore, considering these aspects, the Supreme Court has considered that is it not definite how much time the trial would take to conclude, and therefore, in that contingency the Supreme Court was inclined to grant bail on the basis of delay in trial.

11. In the present case, the accused is in jail since January, 2023. Charge is framed, and from the status report and roznama, it can be seen that the trial could not be proceeded, as the accused was not produced from jail on few occasions. However, a statement is made by the learned A.P.P. that the prosecution would complete the evidence within 6 months. Therefore, in my opinion, if the prosecution is ready to conclude the evidence within 6 months, then it would not be proper to release the applicant on bail. Further, the trial is pending at the stage of evidence, and the trial is expected to be concluded soon. The present application is rejected only on the assurance given by the learned A.P.P., that the evidence will be concluded within 6 months by conducting the trial on day to day basis. However, if the trial is not concluded within 6 months, as is assured by the learned A.P.P., the applicant/accused would be at liberty to apply afresh on the same ground on which this application is filed.

12. With these observations, the present application is disposed of.

JUDGE