



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

**CRIMINAL APPLICATION [BA] NO. 1349 OF 2025.**

Vaibhav Prabhakar Sonankar.

**-VERSUS-**

State of Maharashtra .

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

Court's or Judge's Orders

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Shri A.S. Mardikar, Senior Advocate with Shri R.A. Mardikar,  
Advocate for the Applicant.  
Shri A. Chutke, A.P.P. for the Non-applicant.  
Shri V. Darne, Advocate for Informant/Assisting Prosecution.

**CORAM : M.M. NERLIKAR, J.**

**DATE : JANUARY 22, 2026.**

Heard.

2. The applicant came to be arrested in connection with Crime No.59/2022 registered with Yavatmal Police Station, Yavatmal for the offence punishable under Sections 143, 147, 148, 149, 302, 323, 324, 506, 120-B, 201 of the Indian Penal Code, Sections 3, 25 and 27 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. The informant Anuprita Divre alleged that she is Sarpanch of Gram Panchayat Bhambraja. There was a dispute regarding the

election of the President of the College in between her husband and applicant, wherein her husband was threatened of dire consequences. Report was lodged with the police and the proceedings are pending before the Court. There was a drive to remove encroachment in the village, in which encroachment by one Shri Jaiswal was removed. The applicant along with his associates went to the house of the informant and called upon to restore the encroachment, when her husband refused to do so, Rohit Bhopde who was armed with a gun, fired two shots in the air, one in the wall and two at chest and thigh of her husband. The applicant and another also assaulted her husband by means of an axe on his head, and the other accused assaulted her husband by means of iron rod and fist and kick blows. When the informant went to save her husband, she was also assaulted by an axe on her thigh by Suraj Manwar. The accused persons also assaulted her son. The injured husband was taken to hospital, where he was declared dead, and therefore, the report came to be filed.

4. The only ground which is raised by the applicant is 'delay in trial', which has hampered his right of speedy trial guaranteed to him under Article 21 of the Constitution of India. The learned Senior Counsel further submits that since from the date of his arrest i.e. 04.02.2022, till today he has filed only one bail application on

17.07.2023, however, the said application was decided by the Sessions Court on 15.09.2025 i.e. after more than two years, for the reasons best known, the bail application was not decided by the Court below. He further relied on the roznama, which is placed before me, and submits that approximately out of 150 dates given since 2022 till today, in near about 122 dates the present applicant was not produced before the trial Court. The sum and substance of his argument is that delay cannot be attributed to the applicant. He further submits that the charges are already framed on 18.11.2025, however, even thereafter, the applicant was not produced before the trial Court for near about 8 dates out of 11 dates. Therefore, he submits that the applicant was arrested on 04.02.2022 and almost 4 years have elapsed, but, there is no progress in trial. Even no summons are issued to the witnesses till today. The record is bulky, the prosecution is going to examine near about 37 witnesses which can be gathered from the charge sheet, and therefore, in such circumstances, he cannot be put behind bars for an indefinite period. He therefore, prays for grant of bail on the ground of delay in trial.

5. The learned A.P.P. and learned Counsel appearing for the non-applicant no.2 who is assisting the prosecution, submits that this Court in case of Suresh Patrikar (Criminal Application No.682/2025) who is co-accused, rejected his bail application by order dated

31.07.2025, and that the ground of delay was raised therein. He further submits that said order came to be confirmed by the Hon'ble Supreme Court in SLP No.15223/2025. They further submit that there are serious allegations against the present applicant, and it is the applicant who has delayed the trial. There is no material in the application and only on the sole basis of delay in trial, the applicant cannot be released in such serious offence. Lastly it is submitted that the application for grant of bail be rejected.

6. Before proceeding further, it would be necessary to refer to the two judgments of the Hon'ble Supreme Court in cases of (1)**Javed Gulam Nabi Shaikh .vrs. State of Maharashtra and another - (2024) 9 SCC 813**, and (2)**Sheikh Javed Iqbal .vrs. State of Uttar Pradesh - (2024) 8 SCC 293**.

In paragraph no.17 in case of Javed Gulam Nabi [supra], it has been observed 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 paragraph no.32 in case of Sheikh Javed Iqbal [supra], it has been

observed 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 in 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.”*

7. The Hon'ble Supreme Court has in above cited judgments in unequivocal terms stated that the gravity of the crime was committed by the accused persons is immaterial in order to consider the application for bail on the basis of delay in trial. Those observations would be relevant to consider the present application and therefore, I have proceeded to consider the roznama in the present case. Admittedly the accused was arrested on 04.02.2022 and charge sheet is filed on 24.03.2022. After filing of charge sheet, the first date before the Sessions Court was 19.05.2022. It can be gathered from the entire roznama that till date

156 dates are given by the trial Court, however, the roznama shows that out of this 156 dates the accused was not produced before the Court for near about 122 dates. Secondly and most importantly, the applicant had filed bail application on 17.07.2023, however, I am surprised to note that the said application was decided on 15.09.2025 i.e. almost after a period of two years, for the reason best known to the trial Court. However, without going into this issue, the fact remains that for about 122 dates the applicant was not produced before the trial Court. It further appears from the roznama that on some occasions either the Court was busy, or the case was transferred from one Court to another. On 03.04.2025 again it appears that the informant/complainant has also filed an application seeking transfer of the proceeding. It further appears that from 13.06.2025 till 04.08.2025, the Court was vacant and on 18.08.2025, the case was transferred again to another Court. Even thereafter, on number of occasions, the applicant was not produced before the trial Court. It further appears that on 19.05.2025, an application for discharge was filed by accused nos.6 and 7. Therefore, from entire roznama it could be gathered that so far as the present applicant is concerned, he is not at fault. On the contrary, though he has filed application for bail on 17.07.2023, the same was decided on 15.09.2025.

8. Considering the above facts and circumstances, the delay so

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far as the present applicant is concerned, cannot be attributed to him. However, it is only the prosecution who has failed to produce the accused for near about 122 dates, and even after perusal of entire roznama, I could not find a single application filed seeking adjournment. Therefore, considering the facts and circumstances of the case, the case of present applicant is entirely different than what was observed by this Court in its order date 31.07.2025. Considering the above situation, I am inclined to grant bail to the applicant by putting certain stringent conditions. Hence, the following order.

### ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Vaibhav Prabhakar Sonankar be released on regular bail in connection with Crime No.59/2022 registered with Yavatmal Police Station, Yavatmal for the offence punishable under Sections 143, 147, 148, 149, 302, 323, 324, 506, 120-B of the Indian Penal Code, Sections 3 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act on his furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (iii) The accused shall Reside outside the village Bhambraja, Distict Yavamtal and shall not enter within the territorial jurisdiction where the informant /victim is residing, till the completion of the trial.

- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

9. As can be seen from the entire proceedings of this case, I am surprised by the fact that the bail application filed by the applicant in the month of July 2023, was decided in the year 2025. This fact would not only deprive the accused persons from exercising their valuable right to apply for bail, but would also amount to violation of Article 21 of the Constitution of India. Further it was also pointed out that there are



several bail applications which are pending before the Sessions Court (4 Courts), and they are pending since more than 6 months, 1 or 2 years. This is an alarming situation, therefore, I am of the considered view that a report be called from the Principal District and Sessions Judge, Yavatmal in respect of the pending bail applications before the Sessions Court (4 Courts). The data should be provided to the Registry of this Court within a period of two weeks along with the reasons for which the applications are pending or not decided till date. The report should reach this Court within a period of two weeks of the receipt of this order. Registrar (Judicial) to inform the concerned PDJ and report compliance accordingly. For said purpose, list the matter before the Court on receipt of report.

**JUDGE**