



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

CRIMINAL APPLICATION [B.A.] NO. 145 OF 2026

Ritesh s/o Govind Goyal

-- 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. Gaurav S. Gour, Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

Mr. R.S. Kalangiware, Advocate a/w Ms. Anjali Agrawal,
Advocate for assist to prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

CRIMINAL APPLICATION [APPP] NO. 595 OF 2026:

Heard.

2. The application is for assist to prosecution.

3. For the reasons stated in the application, the application is **allowed** and disposed of.

CRIMINAL APPLICATION [B.A.] NO. 145 OF 2026:-

Heard.

2. The present application is filed seeking regular bail in Crime No.30/2021 for the offence punishable under Sections 420, 467, 468, 471, 406

read with Section 34 of the Indian Penal Code, 1860, IPC, registered with Police Station Ambazari, District Nagpur.

3. The applicant seeks bail on the ground of “delay in trial”. He has preferred the application before the learned Chief Judicial Magistrate at Nagpur on the same ground. The said application was rejected by the learned Chief Judicial Magistrate on 10/12/2025. However, the applicant has preferred bail application on the same ground before the Sessions Court at Nagpur and on 20/01/2026, the application of the applicant was rejected, and accordingly, the present application is preferred for grant of bail on the ground of “delay in trial”.

4. The learned counsel appearing for the applicant submits that the F.I.R. was registered on 04/02/2021. He was arrested on 05/02/2021, however, the learned Magistrate has granted him bail on 16/07/2021. The said order was challenged by the complainant before the Sessions Court. Accordingly, by an order dated 29/10/2021, the Sessions Court cancelled the bail granted to the applicant by the Magistrate. The said order was challenged by the applicant before this Court by filing Writ Petition, however the same was dismissed by this Court. He further submits that thereafter again several bail applications were filed on the basis of

merits before the Magistrate, High Court as well as Supreme Court, however, all the applications filed by the applicant are rejected by all the Courts. Against the applicant as many as three crimes are registered at various police stations and in all these crimes, charge-sheet are filed. In one of the crime, the applicant and his brother had approached the Supreme Court by filing S.L.P No. 7005/2025 praying to grant bail on the ground of “delay in trial”. That application was made in Crime No. 126/2021, registered with Police Station – Tehsil, District Nagpur. So far as three crimes are concerned, those are registered on the basis of identical and similar allegations against the present applicant as well as against his brother and other co-accused persons. He further submits that the Supreme Court has declined to grant bail to his brother – Devendra who has attempted to intimidate the witnesses while in prison, however, the Supreme Court has granted bail to the present applicant, considering the fact that the applicant is in jail since 21/07/2021. Therefore, he submits that even in the present crime also, the applicant has been arrested on 05/02/2021, however, the bail was granted to him. As other crimes are also registered against him, he was never released from the jail. He further submits that though the charges are framed on 05/06/2023, however, till today, trial has not concluded and only five witnesses

are examined and the evidence of 6th witness is going on, therefore, he submits that though the Supreme Court has granted bail on the basis of “delay in trial”, considering the time period spent by the applicant in jail in other crimes, even in this crime, the applicant deserve to be enlarged on bail as the applicant is in jail since 05/02/2021.

5. On the other hand, the learned A.P.P as well as the learned counsel appearing for the informant vehemently opposes the application and has invited my attention to the observations of the trial Court as well as the Sessions Court. They submit that the applicant has committed serious offence. His bail applications are rejected right from the Magistrate Court till the Supreme Court. They further submit that when the earlier bail application was allowed by the Magistrate by order dated 16/07/2021, however, the Sessions Court has cancelled the same on 29/10/2021, therefore, according to them this has not happened in the other crime, i.e., Crime No. 126/2021, wherein the Supreme Court has granted bail, therefore, both the counsel vehemently submit that the brother of the applicant is threatening the witnesses from the jail, and therefore, even the applicant may not be enlarged on bail on the ground of “delay in trial”. Both the counsel has invited my attention to the

observations of the Sessions Court, wherein it was observed that there were threats issued to the witnesses. They have further submitted that if the threat perception is there, then the Sessions Court has rightly observed that *“long incarceration and slow progress of the trial cannot be taken to be conclusive to override the earlier observations made by the higher courts.”* They further invited my attention to the other observations of the Sessions Court. Considering the fact that the trial has commenced and almost 5 witnesses are examined and the evidence of 6th witness is going on, under such circumstance, the Courts should be slow in granting bail, and therefore, according to them there is every possibility, if the applicant is released on bail, there would be threats to the witnesses, and therefore, the applicant does not deserve to be enlarged on bail.

6. I have considered the rival submissions. The Hon’ble Supreme Court in the case of ***Javed Gulam Nabi Shaikh VS State of Maharashtra and Another, (2024) 9 SCC 813;*** has in para no.17 held 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.”

Further in case of ***Sheikh Javed Iqbal VS State of Uttar Pradesh, (2024) 8 SCC 293***; it has been held in para no.42, by the Supreme Court as under :

“42. 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.”

Even in the recent judgment in case of ***Anoop Singh .vrs. U.T. of J and K (SLP (Cri)***

No.1398/2026) vide order dated 03/02/2026 has in paragraph no.8 held as under :

“8. The report is extremely disturbing. The report highlights the sorry state of affairs at the end of the prosecuting agency. We are at pains to note that in last 7 years, the prosecution has been able to examine only 7 witnesses. Prosecution still intends to examine 17 more witnesses. We wonder who are these 17 witnesses who are yet to be examined and if not examined, what would be the adverse effect on the case of the prosecution. However, the most unfortunate part of the report of the Trial Court is that past 82 hearings, not a single witness has been examined.”

7. The Hon'ble Supreme Court has considered and settled the law in respect of “delay in trial”. Not only that the Supreme Court has granted bail to the present applicant in Crime No.126/2021. It could be gathered from the order that the Supreme Court has granted interim bail to the applicant considering his long incarceration. This Court has also called status report from the trial Court. Admittedly, it appears that total 23 prosecution witnesses are cited. It further appears from the status report that 6 witnesses has been examined and the matter is fixed for recording further evidence. Considering this fact and considering the speed of the trial that since from framing of charge i.e., 05/06/2023, only 6 witnesses are examined, and

therefore, one does not know when the trial would be concluded, however, the Supreme Court while granting interim bail to the present applicant by order dated 14/11/2025, has observed that the trial Court shall take endeavour to expedite the trial, by refusing unnecessary adjournments on frivolous grounds. Considering the fact that the applicant is behind bar since 05/02/2021 and the Supreme Court has granted interim bail to the applicant in another crime, i.e., Crime No.126/2021, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

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

(ii) The applicant/accused (Ritesh s/o Govind Goyal) be released on regular bail in connection with Crime No.30/2021 registered with Police Station Ambazari, District Nagpur, for the offence punishable under Sections 420, 467, 468, 471, 406 read with Section 34 of the Indian Penal Code, 1860, IPC, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) 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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]