



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

CRIMINAL APPLICATION [B.A.] NO. 218 OF 2026

Sanjay S/o Motiram Ingle

-- 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 for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 05, 2026.

Initially, the applicant had filed a second bail application by filing Criminal Application [B.A.] No.358/2025 before this Court. The challenge raised in the said application was on the ground of delay as well as merits. However, as the applicant had not approached the Sessions Court, this Court, after placing reliance on the judgment of Supreme Court in the case of *Sharad VS. The State of Maharashtra and Anr.*, in Criminal Appeal No.1221/2019, has granted liberty to the petitioner to withdraw the application and to approach the trial Court. It further appears that, though the applicant has approached the trial Court by filing application on merits, however, in the application, there is only passing reference in respect of progress in the trial and no possibility in the near

future for the trial to be expedited. This cannot be construed as a substantive application.

2. It further appears from the order dated 09/12/2025, passed by the learned Additional Sessions Judge, Akola, that the counsel had argued on the point of “delay in trial”, however, the findings are in respect of merits of the matter. The point of delay in trial has not been considered by the trial Court. It is needless to mention that every Court in the country is guardian of the fundamental rights enshrined under Part-III of the Constitution of India. If a substantive application is made by the applicant on the ground of “delay in trial”, it is the duty of the trial Court to consider the judgments of the Supreme Court in respect of “delay in trial” and give a finding to that effect.

3. In this view of the matter, the learned counsel for the applicant seeks withdrawal of the application, with liberty to file a substantive application raising the ground of “delay in trial.” The trial Court shall consider the application on the touchstone of Article 21 of the Constitution of India and render an order to that effect. With the above observations and liberty to the applicant, the application is **disposed of**.

[M.M. NERLIKAR, J]