

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 382/2026

(Ajit Mungnath Shinde Vs The 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 applicant.
 Mr. A. G. Mate. APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 08/04/2026.

Heard.

2. By this application, the applicant is seeking regular bail in connection with Crime No.114/2018 registered with Police Station Sindkhed Raja, Dist. Buldhan for the offence punishable under Sections 307, 452, 323, 143, 147, 148, 149, Sections 4 and 25 of the Arms Act.

3. Brief facts of the prosecution story are that on 14/ 06/2018 the informant Surekha Manohar Pawar lodged report stating therein that on 14/06/2018 when she was present along her husband in her house at that time around 01.30p.m., she heard a noise of motorcycle therefore, her son went out to see as to who had come, at that time accused Kishor Bhosale without saying anything, started assaulting her son Pawan with sword on hand,

therefore, he shouted. Thereafter the said accused Kishor entered into her house along with Parabatrao Shinde @ Shingade who was carrying gun in his hand. The other accused namely Ajit Shinde (present applicant) had also come along with him carrying gupti and two unknown persons were carrying wooden stick. The said accused allegedly stabbed her husband with sword, thereafter other accused persons also started assaulting with weapons which they were carrying. The accused Parvatrao pointed his gun at the head of the husband and therefore, her husband ran outside the house. All the accused persons thereafter fled away from the spot. The informant while intervening also received injuries. On this basis of this, FIR was lodged.

4. Principally the present application is filed on the ground of delay in trial. The learned counsel for the applicant submits that the applicant was arrested on 20/04/2022. However, though almost four years have lapsed, there is no progress in the trial. He submits that though the charges are framed and only one witness has been examined that too in the month of October 2025, thereafter no witness was examined. If this speed is

continued, the trial is not going to conclude even after 10 years, therefore he submits that the accused cannot be put behind bars for indefinite period, therefore he prayed to grant bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that FIR was registered in the year 2018. Since registration of the FIR and it is only on 20/4/2022, the applicant was arrested. According to him, considering his past records, there is least possibility that he will attend the trial. He further submits that now the charges are framed and already one witness is examined and therefore, under such circumstances, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. It appears from the record that the earlier applications of the applicant was rejected by this Court by its orders dated 03/07/2023 and 24/09/2024. It further appears from the record that admittedly the FIR was registered in the year 2018, however, the applicant was not arrested by the Investigating Officer for four years, On query made by this

Court to the learned APP, whether steps under Section 82 of the Code of Criminal Procedure (“Code”) were taken or not, to that the learned APP submitted that no steps were taken. Further, it appears that no steps were taken to arrest the applicant at the relevant time. Apart from this, the fact remains that the applicant was arrested on 20/04/2022. It further appears that the last witness was examined in the month of October 2025. Considering the speed of the trial, definitely the trial is not going to be concluded in near future.

7. 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.”

8. From the above exposition of law of the Supreme Court, it is clear that Article 21 of the Constitution of India guarantees right to speedy trial which is a fundamental right of the accused. Violation of the same would entail the applicant to seek bail. Admittedly, the applicant is behind bars since 20/04/2022 i.e. almost 4 years. The applicant cannot be put behind bars for indefinite period. Considering the above facts and circumstances and the observations of the Supreme Court, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Ajit Mungnath Shinde be released on regular bail in connection with Crime No.114/2018 registered with Police Station Sindkhed Raja, Dist. Buldhan for the offence punishable under Sections 307, 452, 323, 143, 147, 148, 149, Sections 4 and 25 of the Arms Act on his furnishing P.R. Bond of Rs. 25,000/- with one surety 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant shall attend the police station once in a week i.e. on every Wednesday between 10:00 a.m. to 01:00 p.m. till the conclusion of the trial.

(vi) The applicant/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.

(M. M. NERLIKAR, J.)