



ITEM NO.67

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)
No(s). 5068/2026

[Arising out of impugned final judgment and order
dated 10-02-2026 in BA No. 3577/2025 passed by the
HIGH COURT OF JUDICATURE CIRCUIT BENCH AT KOLHAPUR]

PAPPU ALAIS SUHAN KISAN SONWAKAR Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

IA No. 87286/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

IA No. 87287/2026 - EXEMPTION FROM FILING O.T.

Date : 18-05-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
 HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. Anand Dilip Landge, AOR
 Mr. Jay Dip Shinde, Adv.
 Mrs. Sangeeta Nanwani, Adv.
 Ms. Revati Pravin Kharde, Adv.
 Mr. Rahul Prakash Pathak, Adv.
 Mr. Shreenivas Patil, Adv.

For Respondent(s) :Mr. Aaditya Aniruddha Pande, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appellant is challenging the rejection of bail in a case registered against him for the offences punishable under Sections 307, 353 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999. It is alleged by the prosecution that the appellant and other co-accused were wanted in criminal cases registered at Wadgaon Nimbalkar Police Station and after ascertaining their location, the police went in search of them and on being chased while they were travelling on a motorcycle, the accused persons had threatened the police personnel and thereafter they had escaped. On the basis of said information an FIR came to be registered. It is also alleged that one of the accused fired a gun shot on the police personnel with an intention to kill. Subsequently, appellant was arrested on 01.07.2021 and has been in custody since then. Charge-sheet has been filed and it is at the stage of trial. Infact the thrust of the arguments of the learned counsel appearing for the appellant is that on account of inordinate delay

in commencement of trial and not producing the accused before the Court, the matter has been adjourned from time to time. It is in this background vide order dated 13.04.2026, this Court had observed as under:

"2. This is a classic case where the right to speedy trial has been thrown to winds and clear intrusion of a litigant's right to speedy justice as enshrined under Article 21 of the Constitution of India and we say so as the facts and statistics in the instant case is a mirror to this fact. For the purpose of ready reckoning, we extract the said statistics as under:

CHARGE-SHEET FILED ON	12.11.2021
TRIAL REGISTERED	16.11.2021
TOTAL DATES	121
ACCUSED NOT PRODUCED (AS PER ROZNAMA)	110
PETITIONER PRODUCED	10
COURT NOT AVAILABLE	16

The above chart would indicate that chargesheet came to be filed on 12.11.2021 and trial was ordered to be registered on 16.11.2021 and till date, the total number of dates fixed by the trial court is 121 and accused has not been produced before Court on 110 hearings, though he is in custody since 01.07.2021 (over four years) and has been produced before Court only on ten dates of hearing. In fact, the Court itself was not functioning or available on sixteen dates of hearing as such the speedy trial has remained in mirage in the

instant case.

3. Learned counsel appearing for the respondent - State is attempting to lay the fault at the doors of the accused, which cannot be countenanced by any stretch of imagination as the aforesaid statistics speaks for itself and belies the statement of the learned counsel appearing for the respondent - State.

4. It is no doubt true that on certain occasions, the learned counsel appearing for the accused has remained absent.

5. We are of the considered view and it is high time, appropriate direction(s) is issued at least henceforth the right of speedy trial would become a reality. For this purpose, we permit the learned counsel appearing for the respondent - State to file appropriate affidavit in this regard by the Secretary, Department of Home, State of Maharashtra."

3. Subsequently the matter was listed before this Court on 15.05.2026. However, the matter could not be reached and as such it was adjourned for being listed today. The learned counsel appearing for the respondent-State has submitted that affidavit has been filed today morning. On 13.04.2026, when the matter was ordered to be listed on 27.02.2026 i.e., after two weeks the respondent-State had to file their affidavit. However, for reasons best known, it was not filed. However, the learned counsel

appearing for the State submits that the affidavit has since been filed. This itself will clearly indicate the mode, manner and the method in which the State is dragging its feet in not complying with the orders of this Court. Be that as it may, speedy trial is the right of an accused and when no fault can be laid at the doors of the accused or under-trial prisoners for such delay, the right to bail cannot be denied as it could be a clear violation of Article 21 of the Constitution of India. In the instant case the statistics extracted hereinabove would indicate that in all there were 121 days of hearing before the Court and accused was not produced on 110 days. This is clearly borne out from the roznama which would also indicate that there was no fault of the accused. As such delay in trial cannot be attributed to the accused at least in the instant case, though such instances of adjournment are many. In the facts and circumstances of the case obtained, we are of the considered view that appellant is entitled for grant of bail. Hence we direct the jurisdictional Trial Court to release the appellant on bail on such terms and conditions as it deems fit.

4. For considering the affidavit of State and for

issuance of further directions, list this matter immediately after partial Court working days.

(KAPIL TANDON)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)