

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.324 OF 2021**

GAJANAN S/O RAJARAM PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. B R Kedar h/f V M Jaware  
APP for Respondents: Mr S B Pulkundwar

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CORAM : V.K. JADHAV, J.  
Dated : February 10, 2021

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**PER COURT :-**

1. This pertains to the transfer of the criminal proceedings within the Sessions Division bearing Sessions Case No.2 of 2021 pending on the file of Addiional Sessions Judge-1, Bhusawal, District Jalgaon. The Principal District and Sessions Judge, Jalgaon by impugned order dated 20.1.202 rejected the application bearing criminal Misc. Application No.7 of 2021 filed by the present applicant.

2. The applicant has filed an application for transfer of Sessions Case No.2 of 2021 alongwith bail application filed by respondent nos.2 to 4 pending in the file of the

learned Additional Sessions Judge-1, Bhusawal, District Jalgaon to the learned Additional Sessions Judge-2 or the learned Additional Sessions Judge-3, Bhusawal for disposal according to law.

3. The learned counsel appearing for the applicant submits that deceased Dinkar Onkar Patil, cousin brother of the applicant was assaulted by some unknown persons on 17.6.2020 and he was brutally killed. On the basis of the complaint lodged by the present applicant crime no.118 of 2020 came to be registered at Muktainagar Police Station for the offences punishable u/s 302, 120B, 201, 34 of IPC and under section 4/25 of the Arms Act. It has been revealed during the course of the investigation that the respondent nos 2 and 3 herein hatched the criminal conspiracy and committed murder. Accused persons i.e. respondent no.2 to 4 herein came to be arrested in connection with the aforesaid crime. Though, on 20.7.2020 original accused nos. 2 and 3 herein has filed regular bail application no.487 of 2020, it was not

pressed by them on 29.7.2020. Learned counsel submits that again on 24.8.2020 accused nos.2 and 3 herein have filed second bail application no.568 of 2020, which also came to be disposed of as not pressed on 21.09.2020. The accused/respondent no.4 herein had also filed first bail application no.585 of 2020, however, it was withdrawn by him. On 7.10.2020 accused/respondent nos.2 and 3 herein had filed third bail application, which was rejected by the learned Additional Sessions Judge-3, Bhusawal. In the meanwhile, PSO, Muktainagar police station has filed the charge-sheet before the Magistrate and it was committed to the Court of Sessions, Bhusawal. The case is registered as Sessions Case No.2 of 2021 and it is listed before the learned Additional Sessions Judge-1, Bhusawal. The original accused persons/respondent nos.2 to 4 herein have again filed their bail applications for getting released on bail.

4. Learned counsel for the applicant submits that respondent nos. 2 to 4/original accused are adopting

the unfair practices for getting released on bail. Even they have extended threats to the applicant. The applicant has thus reasonable apprehension that there will not be justice, if the pending bail applications are tried and decided by the Additional Sessions Judge-1, Bhusawal. The applicant thus filed application for transfer of the proceedings.

5. I do not find any substance in this criminal application. It is the usual scenario that unsuccessful accused persons used to file successive bail applications at the various stages including the stage of filing of the charge-sheet. It is true that bail application should go before the same Judge, who has decided the earlier bail application/s, however, after committal of the case and once the case is assigned to a particular judge according to law, it is for the said Court to deal with all the bail applications, if so filed in connection with the said Sessions Case, and to proceed with the trial of the said Sessions Case in accordance with law. Though, the applicant has expressed his apprehension, however, said

apprehension expressed by the applicant appears to be unfounded and unreasonable. There is no reason to transfer the Sessions Case from learned Additional Sessions Judge-1 to the learned Additional Sessions Judge-2 or learned Additional Sessions Judge-3. I find no substance in this criminal application. Criminal application is hereby rejected.

**( V. K. JADHAV )**  
**JUDGE**

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