

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

24 BAIL APPLICATION NO.54 OF 2022

**SACHIN PANDURANG BOKEPHOD
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Rathi Swapnil S.
APP for Respondents/State : Mr. V.S. Badakh

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**CORAM : M.G. SEWLIKAR, J.
DATE : 7th March, 2022**

PC.:-

Applicant is seeking bail in connection with Crime No.17/2017 registered with Selu Police Station, District Parbhani under Section 302, 307, 324, 506 read with Section 34 of the I.P.C.

2. The allegations in nutshell are that on 21st January, 2017 at about 9.00 pm one Sandip, Sanjay, some 7 to 8 persons and the applicant started chasing Angad Pawade at village Hadgaon (Pawade) with the intention of killing Angad. Applicant stabbed in the abdomen of Angad by means of a knife. Angad sustained bleeding injury and somehow Angad escaped and went to the place where his father was coaching wrestlers. After Vijayrao came there, the applicants stabbed Vijayrao by means of a knife and Sandip gave a blow of axe on his person. Vijayrao got seriously injured. Applicant

and Vijayrao were admitted to the hospital where Vijayrao was declared dead. Appasaheb Vetel eye witness to the accident, lodged the report on the basis of which offence came to be registered under the aforesaid sections.

3. Learned counsel for the applicant Shri Rathi submits that his earlier application for bail was rejected by this Court by the order dated 23rd August, 2018. Since then the applicant is behind the bars. All the other accused have been released on bail. He submits that trial is moving at a snail's place. There is no likelihood of finishing the trial in near future. He submits that applicant has no criminal antecedents. He further submits that applicant was also assaulted during the incident and fingers of other accused had been chopped off. He submits that liberty of the applicant cannot be curtailed indefinitely as the conclusion of the trial is not in sight.

4. Learned APP Shri Badakh submits that applicant is the accused who assaulted two persons by knife, one on the injured-Angad and on the father of Angad by the name of Vijayrao. Vijayrao died due to the injury he sustained during the incident. He submits that applicant, therefore, cannot be released on bail.

5. Report of learned Additional Sessions Judge was called. It appears from his report that against accused no.3-Sandip no supplementary

charge-sheet is filed nor he is shown to be absconding as per section 299 of the Cr. P.C. Therefore, learned Additional Sessions Judge directed the Investigating Officer to submit his report as to the status of accused no.3 and accordingly on 30th October 2021 a communication was sent to the Police Station Selu. Since then no report is received by the learned Additional Sessions Judge, Parbhani. The matter was adjourned for report on 13th December, 2021, 21st December, 2021, 3rd January, 2022, 17th January, 2022, 29th January, 2022, 11th February, 2022, 25th February, 2022 and now the matter is fixed on 12th March, 2022 for the report of the Investigating Officer and evidence. The learned Judge further mentions in his report that only two witnesses have been examined. This shows that trial is not likely to be completed in near future. Applicant is behind the bars since 9th June, 2017 which means close to five years. In this view of the matter, liberty of the accused cannot be curtailed indefinitely. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.17/2017 under Section 302, 307, 324, 506 read with Section 34 of the I.P.C. with Selu Police Station, District Parbhani on condition that he shall not tamper the prosecution evidence and shall report to the concerned police station on every Sunday between 12.00 pm

and 4.00 pm and shall not leave the jurisdiction of the concerned Court without the permission of the concerned Court till the conclusion of the trial.

- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]