

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

**BAIL APPLICATION NO.1491 OF 2022  
WITH APPLN/3429/2022 IN BA/1491/2022 WITH  
APPLN/3464/2022 IN BA/1491/2022**

**UDDHAV S/O LAXMAN WAGH  
VERSUS  
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Pathan Sartaj Khan  
APP for Respondent/State : Mr. A.A. Jagatkar  
Advocate for Assist to P.P. in APPLN/3429/2022 : Mr. Ishwar Kalyan  
Wagh  
Advocate for Assist to P.P. in APPLN/3464/2022 : Mr. Shaikh Sohail  
Subhedar

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**CORAM : S.G. MEHARE, J.**

**DATED : 29<sup>th</sup> NOVEMBER, 2022**

**PER COURT:-**

1. Heard learned counsel for the applicant, learned APP for the State and learned counsels for the first informant and father of the deceased assisting the learned APP.
2. The first objection raised by the learned counsels assisting the learned APP that since the bail granted to the applicant by the Sessions Court has been cancelled, the applicant had to approach the Supreme Court. It may be stated that the accused surrendered before the Court after cancellation of bail, may not loose his right to claim the bail afresh. For this reason, the objection raised by the learned counsels assisting the learned APP does not stand. The

second objection that has been raised that since after the cancellation of bail by this Court there are no change in circumstances, also does not survive for the reason that the right to claim the bail on merit again after cancellation of bail cannot be denied.

3. Learned counsel for the applicant would submit that the trial is pending since 2020; however, it has not been progressed. The learned counsels assisting the learned APP would submit that the roznama of the case as well as the observations of the learned trial Judge in the impugned order indicates that the present applicant was interested in getting bail and he was moving various applications before the Sessions Court. Hence, the trial could not be progressed. Further the learned counsel for the applicant would submit that there was a family dispute; hence, the applicant has been falsely implicated in the crime. There are no antecedents to his discredit. The applicant is 33 years old has the family responsibility. The investigation has been completed. The trial will take its own time. Hence, he may be released on bail.

4. Learned APP along with counsels assisting him would submit that there is direct evidence against the applicant. He repeatedly assaulted the deceased. The deceased died instantaneously. The offence is serious. The accused and witnesses are relatives, therefore, they have an apprehension of danger to their life at the hands of the applicant. Hence, he may not be released on bail.

5. Perused the charge sheet. There are eye witnesses to the incident. The repeated assault with deadly weapons at the hands of the applicant has been corroborated with the medical evidence. The applicant and the witnesses have the lands adjoining to each other and they are the residents of the same village. The offence is apparently grave. After covid-19 pandemic, the Court started functioning regularly. So the trial may be open in near future, if all the concerned parties cooperate with the Court. For the above reasons, the Court is not satisfied that the applicant has a good case for bail. Hence, the application stands dismissed.

6. Criminal Application Nos.3429 of 2022 and 3464 of 2022 are allowed.

**(S.G. MEHARE, J.)**