

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

BAIL APPLICATION NO. 1469 OF 2021

Ganesh Subhash Londhe

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. H.I. Pathan, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 05th MAY, 2022**

PER COURT :

1. Heard.
2. Learned A.P.P. strongly opposed for grant of bail to the applicant. According to him, recording of evidence is underway. The name of the applicant is figured as one of the culprits alongwith others.
3. This being the successive application and since the trial is underway, this Court proposed to refrain itself from making any observations about the merits of the case. Suffice it to say, the trial is being conducted before the Judicial Magistrate First Class, who has no jurisdiction to impose sentence of imprisonment more than three years under Section 29(2) of the

Code of Criminal Procedure. The maximum sentence the Magistrate can impose in one case for more than one offence shall not be double the period of three years. In this case, the applicant has been behind the bars for little over three and half years. As such, he has already been behind the bars to the extent to which the Magistrate can sentence him. Seven witnesses have been examined as against fifty four witnesses cited by the prosecution. It is, therefore, a fit case to grant the applicant bail in terms of following order :-

ORDER

- (i) Bail application is allowed.
- (ii) The applicant be released, in connection with Crime No. 300 of 2018 registered with Basmat (City) Police Station, Dist. Hingoli for the offences punishable under Sections 420, 465, 467, 468, 471, 488 and 120-B of the Indian Penal Code, on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)