

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

909 BAIL APPLICATION NO.1263 OF 2023

ASHOK LAKHAN MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Wani Girish V.
APP for Respondent/State : Mr. S. P. Deshmukh.

CORAM : S. G. MEHARE, J.
DATE : 03.08.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Respondent No.2 is not a necessary party. Hence, leave is granted to delete respondent No.2. Necessary amendment be carried out forthwith.
3. The applicant seeks bail in Crime No.484 of 2022, registered with Pachora Police Station, District Jalgaon, for the offences punishable under Sections 307, 504, and 506, read with Section 34 of the IPC.
4. The applicant could not get anticipatory bail. Hence, he was arrested on 15.05.2023. It is really unfortunate that the

specific submissions were made by the learned counsel for the applicant in bail application before the learned Additional Sessions Judge, Jalgaon (Shri. Jaydip J. Mohite), that the charge sheet has been filed and the sessions case was committed before the same Court vide Sessions Case No.46 of 2023. Even then, the said Judicial Officer observed that the charge sheet against other co-accused is submitted to the Court, but the charge sheet against the applicant is awaiting. A supplementary charge sheet against this accused is awaiting. The Court did not verify the fact from the Office whether the charge sheet was filed and the Session has been committed. Lastly, he rejected the bail application.

5. Learned counsel for the applicant and learned APP would submit that the charge sheet against this applicant was filed before the order rejecting the bail was passed by the learned Additional Sessions Judge, Jalgaon, was passed on 12.07.2023.

6. The arguments reveal that the Judicial Officer was careless in discharging his duties. Such negligence unnecessarily put the litigants to the harassment and under financial burden. The learned Principal District and Sessions Judge is directed to inquire about the above fact and submit

the report to this Court within two (2) weeks of receiving this order.

7. As far as the merit of the case is concerned, the applicant was not named in the FIR. However, the injured described him as a man with long hair. After his arrest, the injured identified him. The weapon allegedly used in the crime has been recovered. The applicant has correctly explained the cases lodged against him. The reasons for the antecedents are acceptable. The trial may take its time. Nothing is to be recovered from the applicant. Hence, keeping the applicant behind bars would serve no purpose. However, to guard the apprehension of the prosecution, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ASHOK LAKHAN MORE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in Crime No.484 of 2022, registered with Pachora Police Station, District Jalgaon, for the offences punishable under

Sections 307, 504, 506 read with Section 34 of the IPC, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall not indulge in a similar crime.
 - (c) He shall attend the trial on each effective date and support the prosecution for early disposal.
- (iii) The copy of the order be sent to the learned Principal District and Sessions Judge, Jalgaon, for submitting the report as mentioned above.

(S. G. MEHARE, J.)

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vmk/-