

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

BAIL APPLICATION NO. 1374 OF 2023

**SANTOSH SARANGDHAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA.**

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Mr. S.S. Jadhav, Advocate for the applicant.
Mrs. P.V. Diggikar, APP for the respondent.

CORAM : S.G. CHAPALGAONKAR, J.

**RESERVED ON : 27.9.2023
PRONOUNCED ON : 3.10.2023**

ORDER :-

By this application, the applicant seeks regular bail in connection with Crime No. 156 of 2021 dated 21.5.2021 registered with Police Station, Pachod, District Aurangabad for the offences punishable under Sections 302, 201, 120-B of IPC.

2. This is a successive bail application of the applicant. The previous bail application No. 1479 of 2011 filed before this court has been withdrawn on 16.2.2022 on disinclination by the Court to grant the relief. However, the trial was expedited under the said order.

3. During the hearing of the present application, the progress report regarding Sessions trial and details of the programme were called from the concerned court. The report dated 1.9.2023 is submitted by the Principal District Judge, Aurangabad, wherein, it is reported that two witnesses have been examined and trial is in progress.

4. It appears that the investigation progressed on the basis of the FIR dated 21.5.2021 lodged by Dyaneshwar Ashok Jadhav i.e. son of the victim when the dead body/corpus was found. During the course of investigation, in all 7 accused persons are arrested. It is revealed that the accused No.1 Ranjana – wife of victim/Ashok had illicit relations with the accused No.2 Ramprasad. Ashok was the obstacle in such relations. Therefore, with the help of accused No.3 Meenabai, she contacted with Santosh Pawar (present applicant), who with the help of accused Nos. 5,6 and 7, committed murder of Ashok. To show complicity of the applicant/accused, the statements of co-accused, so also, recovery made under Section 27 of the Evidence Act has been relied. The memorandum of the panchanama depicts that incriminating articles like mobile cover of deceased, the piece of turban used in commission of offence has been discovered at the instance of the applicant. The bail application filed before Sessions Court by applicant was rejected on merit. Thereafter, in Bail Application No. 1479 of 2021 this Court shown its disinclination to grant relief after taking into consideration the merits of the matter. Consequently, the applicant withdrew the Bail Application No. 1479 of 2021 on 16.2.2022. Present application is filed merely because trial is not progressing with expected pace.

5. The trial has been already expedited. The report of the learned Sessions Judge states that steps are taken to expeditiously dispose of the Sessions Case. In this background, the release of the applicant at this stage may hamper smooth prosecution. Hence, no case is made out for grant of bail. However, it is expected that the Sessions Court would endeavour to conclude trial within a period of six months

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from the date of this order, else applicant shall be at liberty to apply afresh for his release on bail before the Sessions Court. Hence, application stands rejected with aforesaid liberty in favour of applicant.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-