

2. The applicant's first bail application was disposed of with a request that the trial of the applicant be expedited. The first bail application i.e. Criminal Bail Application No.1263 of 2020 was not argued on merits. The said order dated 14th September 2021 reads thus;

"1. Without going into the merits, learned counsel for the applicant requests that the trial of the applicant be expedited, considering the fact that the C.R. is of 2015 and the applicant is in custody alongwith other accused since 2015.

2. It is informed till date charge has not been framed.

3. Considering that the accused are in custody for more than 6 years, the trial of the applicant is expedited. The learned Judge to conclude the case, as expeditiously as possible, and in any event within 9 months from the date of receipt of this order.

4. It is made clear, that this application has not been heard on merits and as such all contentions of the applicant are kept open.

5. The applicant to place the aforesaid order before the learned Judge, seized of the said case being Sessions Case No.69 of 2015, so as to enable him to conduct the case expeditiously.

6. Registry to also communicate the above order to the concerned Court i.e. District and Sessions Court, Baramati at Baramati, who is seized of Sessions Case No.69 of 2015, by Fax/e-mail/a Special Messenger.

7. Application is accordingly disposed of, on the aforesaid terms."

3. Learned Counsel for the applicant also seeks bail on the ground of parity. He submits that similarly placed co-accused – Rahul Chandrakant Lambate as well as Ravindra Vasant Bhise have been enlarged on bail by this Court vide order dated 12th January 2023 and 16th March 2023 respectively, on the ground of long incarceration and since motive was not attributed to co-accused – Rahul.

4. Perused the papers in particular the FIR. According to the complainant – Mahavir M. Londhe, the incident took place on 24th March 2015. It is alleged that the present applicant alongwith other co-accused including Rahul Lambate assaulted the deceased with koyta. One of the said person is also alleged to have assaulted the complainant – Mahavir with koyta. In the supplementary statement, Ravindra Bhise is also alleged to have assaulted the deceased with a koyta. The role of the applicant is similar to that of Rahul Lambate, who in the FIR has been attributed to have assaulted the deceased alongwith others with koyta. Motive is attributed to all the accused and not only to the applicant. The applicant is in custody for more

than 8 years and till date only 5 witnesses have been examined. The prosecution intends to examine as many as 78 witnesses. Considering the aforesaid, the possibility that the trial will conclude within a short time, appears to be bleak. According to the learned APP, the applicant has one antecedent, however, the applicant has been acquitted of the said offence with which he was charged.

5. Considering what is stated aforesaid, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;

- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing.
- (vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;
- (vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.