



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

BAIL APPLICATION NO.24 OF 2024

**RAVI S/O APPASAHEB SHETE
VERSUS
THE STATE OF MAHARASHTRA.**

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Mrs. Rashmi Kulkarni advocate for the applicant.
Mr. V.M. Jaware, APP for the Respondent

CORAM : S. G. CHAPALGAONKAR, J.

Reserved on : 23rd January, 2024

Decidedon : 30th January, 2024

ORDER :-

1. The applicant seeks regular bail in connection with Crime No.72 of 2012 registered with Kopargaon police station, District Ahmednagar for the offences punishable under sections 302, 201 r/w 34 of the Indian Penal Code. In the alternative, the applicant seeks his release on temporary medical bail since he is suffering from 4th stage of Brain Tumour [Glioblastoma (CLS WHO Grade-4)].

2. Investigation was set in motion on the basis of the information given by one Babasaheb Murlidhar Thakare, alleging that there was rivalry between deceased Banti Shingar and Kiran Appasaheb Shete. Previously, counter criminal cases are registered against both the groups. On 15.3.2012 one Mukund Shaharam Shingar was assaulted by applicant Ravi Shete. The informant and deceased Banti Shingar were

proceeding to see him at Phadake Hospital. While, they were on their way towards Kopargaon, accused-applicant Ravi Shete and his companions attempted to intercept the motorcycle. However, the informant and his companion escaped. Thereafter, accused Ravi Shete and others chased them. They hurled a chopper towards the motorcycle of the informant. Resultantly, motorcycle of informant lost the balance. Informant ran towards river bed while deceased ran towards village Sanvatsar. Accused Ravi Shete, Kiran Shete and Pappu Shete followed the deceased, caught hold him and made assault of choppers. The applicant/accused Ravi Shete hit big stone on head of the deceased. Resultantly, deceased suffered multiple injuries. When he was brought to the Rural Hospital, Kopargaon, Medical Officer declared him dead. Pertinently, after registration of the offence, applicant was absconding till 2020. During this period, on 16.3.2020 he was found involved in the similar offence. Accordingly, crime no.88 of 2020 came to be registered against him for murder of one Suresh Bhimrao Gore. The applicant came to be arrested in pursuance of the said crime on 21.3.2020. Thereafter, he was taken into police custody in present crime on 7.6.2020. Pertinently, in pursuance of FIR in the present crime, co-accused persons were arrested and they were put to the trial, which lead to the conviction of the accused persons. The trial in respect of present applicant-accused is still pending.

3. Mrs. Rashmi Kulkarni, learned advocate appearing for the applicant would submit that the applicant has been

falsely implicated in the present crime merely because the applicant could not be arrested for eight years from the date of offence. No presumption of guilt can be raised against him. The applicant is behind bar for more than three years. The trial is likely to take its own course. Alternately, she would submit that the applicant is suffering from serious illness that is Brain Tumour [Glioblastoma (CLS WHO Grade-4)]. Practically, he is on wheelchair. For the purpose of better management of his health condition, he may be enlarged on medical bail.

4. Learned A.P.P. strongly opposes the prayer. He would submit that the applicant is accused in two different murder cases. Present offence is registered in the year 2012 and after 8 years the applicant could be arrested. During this period, he was found indulged in another murder. Learned APP would further point out that best possible medical aid is provided to the applicant at Tata Memorial Hospital, Mumbai which is a cancer institute of International Repute. There are no grounds for grant of bail.

5. Having considered the submissions advanced, it is apparent that, the applicant is an accused in crime no.72 of 2012 alongwith other four accused persons. Offence is registered in the year 2012, whereas the applicant is arrested in the year 2020. Meanwhile, charge-sheet was filed against accused nos.1 and 2 and upon trial of those accused, conviction has been recorded on 2.8.2014. Coaccused persons are sentenced to suffer life imprisonment. The trial in respect

of the present applicant is still pending. The contents of FIR dated 16.3.2012 clearly attributes role against the applicant in commission of offence. The contents of charge-sheet are sufficient to prima facie hold complicity of the applicant in commission of offence. On consideration of the material against the applicant and the fact that he was absconding for a period of eight years, I do not find any reason to consider the prayer for grant of bail on merit.

6. So far as submissions advanced for release of the applicant on medical ground, it can be observed that the applicant is provided adequate medical aid and he has been treated at J.J. Hospital, Mumbai and even at the Cancer Hospital of International Repute. No special circumstances are brought on record to show that the applicant is not provided with requisite medical aid. At this stage, learned advocate appearing for the applicant relies upon the order passed by the Supreme Court of India in case of **Dr. P. Varavara Rao Vs. National Investigation Agency and another in Criminal Appeal No.1206 of 2022 with connected appeal** and submit that taking into account medical condition of the appellant and the fact that he is behind the bar for more than three and half years, the applicant would be entitled for his release on temporary bail. Apparently The Supreme Court has dealt with the peculiar circumstances in case of Dr. P. Varavara Roa, who was aged about more than 82 years and suffering from various ailments leading to grant of medical bail to him. In the present case, applicant was absconding for period of eight

years before his arrest. Therefore, order passed by the Supreme Court in case of Dr. P Varavara Rao (supra) is of no assistance in the facts of the case. Hence, no case is made out for grant of bail. The application is liable to be rejected. However, in the circumstances the trial court is expected to make endeavor to dispose off the Sessions Case expeditiously. Hence, the following order.

O R D E R

The application stands rejected.

**(S.G. CHAPALGAONKAR)
JUDGE**

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