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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 BAIL APPLICATION NO. 115 OF 2024

BHARAT DNYANDEV MORE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Talekar and Associates for the applicant

Mrs. Pratibha J. Bharad, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 03rd APRIL, 2024

P. C.

1. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure Code, 1973. Accused is arrested in Crime No. 404/2019 registered at Rahuri Police Station, Ahmednagar for the offences punishable under Sections 302, 109, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Brief facts of the case are as under:-

3. Marriage of the deceased Sandhya and the applicant took place before twelve years of the incident. The applicant and his family members were demanding Rs.2 lakhs for construction of house. Though the amount was paid, the applicant and his family members were harassing to Sandhya. They used to beat her. On 25-05-2019, the informant-brother of Sandhya had a talk with deceased. She narrated that the applicant and his relatives are harassing her. Sandhya and her son Sai were found in injured condition in the house. They were taken to the hospital. The Doctor declared them as dead. Therefore, report was lodged.

4. Learned Advocate for the applicant submits that though the charge is framed in the year Nov-2023, the trial has not yet started. He further submits that the applicant is falsely implicated in the crime. The applicant is arrested on 27-05-2019. His right to speedy trial is affected. The applicant was not present at the time of incident at his house where the alleged incident took place. He lastly prayed to allow the application.

5. Learned APP strongly opposed the application and pointed out the postmortem report of Sandhay and her son. There are seven injuries sustained to her. Learned APP further pointed out the statements of witnesses particularly daughter of victim Sandhya who has stated that the applicant used to harass and beat Sandhya. Learned APP further pointed out that this court by order dated 30-09-2020 rejected the Bail Application No. 781/2020. This court held that the applicant has not tendered any explanation about death of wife and son in their bedroom. Learned APP further submits that the applicant is involved in serious crime. Learned APP lastly prayed to reject the application.

6. Perused the charge-sheet, particularly application filed by the applicant before the trial court for granting bail which was rejected. However, this court cannot go into the merits of the case as this court had already rejected the application of the applicant on merits. It is a part of judicial

discipline. As far as right to speedy trial is concerned, the trial court can be directed to conclude the trial within a time frame. However, the applicant cannot be released on bail as the offence of murder of his wife and son took place in his house itself and he has no such acceptable explanation about it. This court cannot consider the merits meticulously. In view of above, it would be proper to give directions to the learned trial court to decide the trial as expeditiously as possible and in any case within a period of six months from today. Therefore, following order is passed:-

ORDER

- a] The application is rejected.

- b] The learned Trial Court, Ahmednagar is directed to conclude the Sessions Case No.341/2019 as expeditiously as possible, in any case within a period of six months from today. The learned trial court shall conclude the trial in literal sense of word 'Sessions'. Needless to mention that 'Sessions' means,

once it is started, it shall not be stopped unless and until it is concluded.

c] If the accused and their advocates are not cooperating for the trial, the learned trial court may proceed further to impose heavy costs and bail of the accused can be cancelled who are released on bail.

d] If the accused is not produced for hearing of the trial, the learned trial court write a confidential letter to the Jail authority regarding this order. If even thereafter, the accused is not produced, conduct one meeting with the Jail authority and concerned head of the escort and apprise them about this order. But even thereafter, the accused is not produced, the trial court may proceed against them for contempt of lawful authority.

e] The learned trial court is further directed to

keep the matter at least twice or thrice in a week and conclude the trial within six months without any excuse.

f] As far as victim of crime minor daughter of this applicant and deceased Sandhya is concerned, she is now with her maternal uncle/informant. To maintain her properly and for her welfare and for her better future, it would be proper to direct to the Tahasildar, Rahuri, Dist. Ahmednagr to pay monthly economic relief to her under the various schemes of State Government such as **Aklawya Scheme** etc. to her. He is further directed to comply with all the formalities. The Secretary, Legal Services Authority, Ahmednagar is directed to get comply all the formalities and submit the compliance report to this Court on or before 10-05-2024.

[SANJAY A. DESHMUKH, J.]