



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 BAIL APPLICATION NO. 149 OF 2024

Nanna @ Ajit Gujraj Sevani
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. Kazi S S
APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 179 of 2017 registered with Ahmednagar taluka police station, District Ahmednagar for the offences punishable under Sections 304, 328 r.w. 34 of the I.P.C. His application with similar prayer below Exh.55 in Special Case No. 75 of 2018 came to be rejected by the learned Additional Sessions Judge, Ahmednagar vide order dated 7.11.2023.

2. As per the report, the applicant and co-accused persons prepared poisonous liquor by using methyl alcohol knowing that the same is harmful to the human life. On 16.2.2017, one Narendra Chakhale and Balu Madge consumed the said liquor and they died on the spot. Bhausahab Karpe and Popat Sathe have suffered by consuming the said poisonous liquor. They were treated for it.

Therefore, crime was registered against the applicant and other accused persons.

3. Learned advocate for the applicant submitted that all other accused persons are released on bail by the trial court. Though this applicant was arrested in MCOCA case, in the said MCOCA case he is also released on bail by this court by order dated 11.9.2023 passed in bail application No. 1340 of 2023. The applicant has roots in the society, he will not flee away from trial and the trial will take long time. The applicant has right to speedy trial. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. Two persons are died by consuming the said poisonous liquor. The prime role of the applicant in preparing the poisonous liquor is spelt out from the report and the statements of witnesses. Considering the antecedents of the applicant, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the seizure panchanama of the relevant articles. All other accused persons are released on bail. The applicant is arrested on 9.12.2017. The trial is not started in its real sense. The applicant is already released in MCOCA case. The applicant has roots in the society, he

will not flee away from and the trial will take long period. The applicant has made out a case for granting bail on the basis of right to speedy trial as per Article 21 of the Constitution of India. The application therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 179 of 2017 registered with Ahmednagar taluka police station, District Ahmednagar for the offences punishable under Sections 304, 328 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.1,00,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter into entire Ahmednager district till the conclusion of trial except the dates fixed for this and other trial, if any, that too in the premises of that court and shall attend the trial regularly.
 - c) If any breach of the above conditions is noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of this applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)