



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

904 BAIL APPLICATION NO. 157 OF 2024

BALAJI SHESHERAO BHANGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Govind Rangrao Ingole.

APP for Respondents / State : Mr. Satish A. Gaikwad.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 10th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.574 of 2018, registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 302, 201 and 364 read with 34 of the Indian Penal Code and under Section 4/27 of the Arms Act.

3 It is averred in the report that some of the accused assaulted the son of informant Harmindarsingh s/o Devindarsingh on 11th November, 2018. Therefore, the report was lodged against the unknown person. After one month, the applicant and others were arrested.

4 The earlier bail application filed by this applicant bearing Bail Application No.341 of 2020 was dismissed withdrawn, on instructions. That time, this Court granted liberty to the applicant to file an application for bail before the Sessions Court in the event the trial is not commenced within six months by order dated 7th August, 2020. Thereafter, the applicant was released on Covid-19 bail. He was absconding. Thereafter, he has surrendered on 4th September, 2023.

5 The learned counsel for applicant submitted that for more than 5 years the trial has not started. The applicants has roots in the society. He has no criminal antecedents. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses, particularly, Kajal Yedke, in which she has stated that she got phone call from Kiran Mane, who is her lover and that time the victim talked with her and requested her to tell Kiran not to assault the victim Harmindarsingh. There are statements of two witnesses namely, Ritesh Mane and Prem Mane stating that they saw the applicant and other accused in the premises where the incident of murder took place. He further submits that the applicant is involved in the serious crime. The weapon wooden log is recovered at the instance of this applicant and his

clothes having blood stains were seized. Thus, there is material evidence against the applicant. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the statements of Kajal, Ritesh and Prem. There is no eye-witness to the incident. The applicant is behind bars since 2018, except the Covid-19 bail. While disposing of the earlier bail application of this applicant, this Court expected to commence the trial within six months. It has not been started. Considering all these aspects alongwith the fact that the applicant has roots in the society, he will not flee away from the trial and the trial will take long period, the applicant is certainly entitled for bail on the principle that bail is rule and jail is exception on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.574 of 2018, registered with Nanded Rural Police Station, District Nanded, for the offences punishable under Sections 302, 201 and 364 read with 34 of the Indian Penal Code and under Section 4/27 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
- III. If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

nga