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

5 BAIL APPLICATION NO. 195 OF 2024

RAHUL SAKLAJI BHOLE AND ANOTHER

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Mahesh L. Muthal, Advocate for the applicants

Mr. M. K. Goyanka, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 05th FEBRUARY, 2024

P. C.

1. This is an application for granting bail under Section 439 of the Code of Criminal Procedure. Applicants are arrested in Crime No. 103/2013 registered with Sirsala Police Station, Dist. Beed for the offences punishable under Sections 397 read with Section 34 of the Indian Penal Code. Sessions Case No. 17/2015 is pending before the learned Additional Sessions Judge, Ambejogai, Beed. The application for granting bail was rejected by trial court on 11-01-2024 by passing order below Exh.155 and also by passing order below Exh.151 dated 29-12-

2023.

2. Learned advocate for applicants submits that applicant No.2 met with an accident therefore, he was admitted in the hospital and therefore, he could not attend the trial. He further submits that more than 13 witnesses are to be examined and prays for granting the bail.

3. Learned APP strongly opposed the application and appointed out the observations of the trial court regarding absenteeism of the applicants for long period and prays to reject the application.

4. Perused the impugned orders and order cancelling NBW. Learned trial court has observed that accused never furnished their changed address to the court and trial was protracted for many years. Even surety was not found on the given address for taking necessary action against them.

5. There is no documentary evidence showing that applicant No.2 met with an accident.

6. Considering the conduct of these applicants and trial is protracted which is more than five years, the application deserves to be rejected with direction to the trial court to dispose off the matters as early as possible. Hence, the following order:

ORDER

- a] The Bail Application stands rejected.
- b] Trial court is directed to conclude the trial as early as possible and conduct as Sessions Case.
- c] Needless to mention that once sessions case is started, it shall not be stopped.

[SANJAY A. DESHMUKH, J.]