



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 BAIL APPLICATION NO. 515 OF 2024

Jaydeep Dattatray Surunkar

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Dnyaneshwar R. Kale

APP for Respondents: Mrs. Deepali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 22nd APRIL, 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. 0491 of 2023 registered with Belwandi police station, District Ahmednagar for the offences punishable under Sections 307, 120-B, 201 r.w. 34 of I.P.C. and under Sections 3/25 and 27 of the Arms Act. His application with similar prayer below Exh.5 in Sessions Case No.12 of 2024 came to be rejected by the learned Additional Sessions Judge, Shrigonda, vide order dated 13.2.2024.

2. From the charge sheet it reveals that there are allegations against the applicant that on account of agricultural land a quarrel took place between the injured and the informant. On 10.10.2023, in presence of eye witnesses, this applicant came at Panhala Hotel having a pistol in his hand and fired bullets on injured Santosh. The

injured sustained injuries of bullets to his chest, ear, shoulder and also on private part. He was admitted in the hospital and a report was lodged accordingly.

3. Learned advocate for the applicant submitted that the pistol is not seized at the instance of the applicant and he had not committed any offence. The applicant and injured are cousin. There is earlier enmity on account of agricultural land. The further custody of the applicant is not necessary. The charge sheet is filed. There is no direct or indirect evidence against the applicant. He will not flee away from the trial and the trial will take a long period. 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. He has used country made pistol in the assault and attempted to commit murder of Santosh. During the course of investigation, he has not handed over that weapon. If he is released on bail, he will certainly pressurize the witnesses and commit similar nature of offence. There are statements of eye witnesses. Though the applicant has no criminal antecedents, considering the serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the injury certificate and statements of eye witnesses, who witnessed the said incident.

The incident took place at the evening time in presence of eye witnesses. It appears that the applicant attempted to commit murder of injured Santosh with the help of a pistol which is not seized as yet. If he is released on bail, there is possibility of commission of similar nature of offence. Considering serious nature of the crime and particularly the ratio laid down by the Hon'ble Supreme Court in the cases of ***Deepak Yadav Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559***, and ***Shahzad Hasan Khan Vs. Ishtiaq Hasan Khan and another, (1987) 2 SCC 684***, the applicant is not entitled for bail on the principle that the bail is rule and jail is exception. At the most the trial in the case can be expedited. The application therefore, deserves to be rejected. Hence the following order:-

O R D E R

- I. The application is rejected.
- II. The speedy trial is a right of the accused. Therefore, the trial is expedited with the following directions:-
 - a) The Trial Court is directed to conclude the trial as expeditiously as possible and in any case within six months from today. Needless to mention that it is a sessions trial and word "sessions" means once it is started it shall not be stopped till it is concluded.
 - b) The Trial Court is further directed not to grant adjournments

if it is prayed either on behalf of the prosecution or the defence unless there is extreme urgency or reasonable ground. If the accused is not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving an opportunity to them to produce the accused i.e. under trial prisoner continuously. If it is not followed then the Trial Court may proceed against them as per Chapter X of the Indian Penal Code for contempt of lawful authority etc.. If any accused who is on bail is not appearing for trial, then the Trial Court may proceed to cancel their bail. If the accused, advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.

- c) The Trial Court is expected to conduct the trial on day to day basis or in any case at least twice or thrice in a week.
- d) If the trial is not concluded within six months from today, the applicant is at liberty to file application for bail before this Court.

(SANJAY A. DESHMUKH, J.)

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