



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 BAIL APPLICATION NO. 657 OF 2024

DIPAK DATTATRAY BHOSALE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bagal Suraj R.

APP for Respondent/s-State : Ms. P. R. Bharaswadkar.

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CORAM : S. G. MEHARE, J.

DATE : 24.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.43 of 2018, registered with Udgir Rural Police Station, District Latur, for the offences punishable under Sections 302, 307, 201, 120-B read with Section 34 of the IPC.
3. The applicant is languishing in since 2018. In 2019, the applicant approached the Hon'ble Supreme Court for bail. The Hon'ble Supreme Court by order dated 05.02.2019 dismissed the Special Leave Petition. However, granted liberty to the applicant to renew his request for bail after eye witness is examined. Since then, the matter went on and lastly, the so

called eye witness has been examined on 03.04.2020. Considering the speed of the trial even after the order of the Supreme Court, it seems that nobody was serious to take the note of the order of the Hon'ble Supreme Court. This Court is not supposed to appreciate the evidence of the eye witnesses for the reasons that it is subject to the appreciation on merit. However, the record reveals that since 2018, the applicant is languishing in jail till this time. The prosecution does not ensure a speedy trial which is a fundamental right of the accused under Article 21 of the Constitution of India. Considering the period of his languishing in jail and the progress in the trial, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DIPAK DATTATRAY BHOSALE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) He shall not tamper with the prosecution witnesses.

(b) He shall attend the trial on every date.

(S. G. MEHARE, J.)

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vmk/-