



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 BAIL APPLICATION NO. 1196 OF 2024

BHAGWAN BAPURAO PARVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. DESHMUKH H. D.
APP for Respondent/s-State : Mr. G. O. Wattamwar.

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CORAM : S. G. MEHARE, J.
DATE : 09.09.2024

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.167 of 2022, registered with Chudawa Police Station, District Parbhani, for the offences punishable under Sections 302, 120-B, 201 of the IPC.
3. It is an unfortunate that time and again the Court directed the Prosecutor to proceed with the matter but it is not seriously taken. The case was listed for evidence since April 2023. The applicant is taking advantage of the negligence of the prosecution. The Court had directed the prosecution to examine the witnesses who have no concern with the muddemal property. As per the statement of the learned

counsel for the applicant only one witness has been examined. Lastly, the matter was posted for recording the evidence on 27.08.2024. That day, the learned Prosecutor had requested the Court to issue letter to the Director, Forensic Laboratory, Nanded to submit the muddemal and C.A. report. This is actually not the duty of the Court. It is the duty of the prosecution to produce the material. However, the Court directed the F.S.I., Nanded to submit the C.A. report and muddemal property. Even then, it was not produced. This was the order dated 27.08.2024 and listed for tomorrow before the learned Sessions Court for C.A. report. It seems that the prosecution is not serious in looking at the orders of the Court. The inference can be drawn that they are not interested to proceed with the matters, though the High Court granted them sufficient opportunity. Their conduct has created a ground for bail to the applicant. The applicant is taking advantage of this situation and seeking bail, who was otherwise not entitled to bail. Considering the latest view of the Hon'ble Supreme Court in case of *Javed Gulam Nabi Shaikh Vs. State of Maharashtra and others* ; MANU/SC/0609/2024, dated 03.07.2024 and considering the conduct of the prosecutor, seeking the assistance of the Court to produce the CA reports, which was

actually the duty of the prosecution, this Court is of the view that applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **BHAGWAN BAPURAO PARVE** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every date.
 - (c) He should not reside in village Gaur till the trial is concluded.
 - (d) He should report his presence on the new address supplied to the police physically on every Thursday between 10.00 a.m. to 11.00 a.m. till the trial is concluded.

(S. G. MEHARE, J.)

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vmk/-