



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 BAIL APPLICATION NO. 1502 OF 2024

VIJAY BALASAHEB KHARDE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jadhav Satej S.

APP for Respondent/s-State : Mr. G. O. Wattamwar.

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CORAM : S. G. MEHARE, J.

DATE : 10.10.2024

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.88 of 2020, registered with Kopergaon Taluka Police Station, District Ahmednagar, for the offences punishable under Sections 302, 452, 143, 147, 148, 149, 120-B, 75 of the IPC and Sections 3/25, 4/25, 7/25 and 27 of the Arms Act.
3. The applicant seeks bail on the ground of inordinate delay in concluding the trial. He is languishing in jail since 2020. He has placed on record the Roznamas/order sheets. Till date, no charges have been framed. There were sixteen

accused and only three are behind bar. Roznamas reveal that the matter was not attended seriously.

4. Learned counsel for the applicant has pointed out that they applied for bail in February 2024 and his arguments were over. He requested the Court to decide the bail application. However, it was decided in the month of July. He would submit that there are no hopes of concluding the trial in the near future. The prosecution cannot ensure the speedy trial.

5. Learned APP would submit that most of the time the applications for bail and discharge were filed and the matter was adjourned by one reason or other by the accused. The prosecution is not responsible for the delayed trial. The offence is serious. Hence, he may not be granted bail.

6. Learned counsel for the applicant in reply argued that the prosecution was seeking time to file reply to discharge application for months together.

7. Perused the order sheets of the case. The applications for discharge and bail applications were not decided within a reasonable period. Till date, the charge is not framed. Therefore, it could be believed that the prosecution cannot ensure the speedy trial which is the fundamental right of the

accused. Since the incarceration of the applicant in jail is for indefinite period and there is no hope of speedy trial, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **VLJAY BALASAHEB KHARDE** 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) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every date.

(S. G. MEHARE, J.)

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vmk/-