



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

BAIL APPLICATION NO. 1539 OF 2024

KAILAS RAMKRUSHNA NAVGHARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Hemantkumar F. Pawar
APP for Respondent : Mr. A. S. Shinde
...

CORAM : S. G. MEHARE, J.

DATE : 01-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P for respondent.
2. The applicant seeks bail in C.R.No.95 of 2018 registered with Amalner Police Station, District Jalgaon, for the offences punishable under Sections 302 and 201 of the Indian Penal Code and Sections 37(1)(3)/135 of the Maharashtra Police Act, Section 3(1)(i), 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.
3. The applicant is incarcerated in jail for the above offences from 2018. He has been convicted for life imprisonment in another crime. His sentence cannot be suspended.
4. The learned counsel for the applicant submits that even if he is granted bail, he would be not be released. However, it is

difficult for him to get parole or furlough only because, he is under trial prisoner. There is no material progress in the trial and also no hopes of conclusion of the trial in near future. It is difficult for the State to secure his presence from another State to face the trial.

5. Though, the learned A.P.P. has argued that there are antecedents to his discredit, except the crime of murder, in which he has been convicted, the other crimes are mostly for the offences punishable under Section 454, 380 and 457 of the Indian Penal Code. These are the crimes registered since 2005 to 2010. Even after this crime, identical crimes were registered.

6. In these peculiar circumstances, if bail is granted to the applicant only to accommodate him the benefit of parole or furlough, which he may seek in the case of murder for which he has been convicted, no harm would be caused to the prosecution. However, since the trial Court expressed an apprehension of violating temporary bail conditions, certain conditions may be imposed. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant – Kailas Ramkrushna Navghare be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

- (a) When he would be in Amalner on parole or furlough, he should not involve in identical crime.
- (b) He should not tamper with the prosecution witnesses.
- (c) He should co-operate with the trial Court by appearing through video conferencing, if possible, to conclude the trial.

**(S. G. MEHARE)
JUDGE**

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