



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 BAIL APPLICATION NO. 1734 OF 2023

SIDDESHWAR TANAJI MANE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gangakhedkar Shailendra S.

APP for Respondent-State : Mrs. M. L. Sangit.

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CORAM : S. G. MEHARE, J.

DATE : 05.02.2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. This is a successive bail application of the applicant in Crime No.129 of 2021, registered with Nilanga Police Station, District Latur, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 323, 324, 504, 506 of the IPC read with Section 135 of the Maharashtra Police Act. Change-in-circumstance, parity and delay in trial are the grounds for the successive bail application.

3. Learned counsel for the applicant would argue that similarly situated co-accused have been granted bail and the trial is not yet commenced. Hence, the applicant deserves bail.

While arguing the case for the applicant, he has referred to the injury certificate, the recovery of the weapon at the hands of the applicant and also the FIR. All these documents were before the Court when his earlier bail application was rejected. So *prima facie*, the applicant did not satisfy the Court that there were change-in-circumstances.

4. The role attributed to the co-accused, who have been granted bail and the applicant are apparently not identical. However, he has tried to re-argue the case which was already considered by this Court that there is discrepancy in the date of his examination by the Medical Officer and no blood stain on the knife.

5. Learned counsel for the applicant states that recently the draft charges have been produced before the Trial Court and next date is for framing the charge. The applicant is languishing in jail since 2022 . However, no details have been supplied to the Court that the applicant was not responsible for delay in trial. Copies of the Roznamas have not been placed on record to verify the facts. In the absence of any such material, it is difficult to accept that the prosecution is deliberately protracting the trial.

6. In the circumstances, the trial Court is directed to take care of and commence the trial by framing the charges at the earliest, provided all the parties should co-operate with the Trial Court.

7. This Court do not find any change-in-circumstances, the parity and deliberate delay in trial by prosecution that would be extended to the applicant. In view of the above directions, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-