



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 BAIL APPLICATION NO. 2232 OF 2023

Mayur S/o Balasaheb Harkal

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. The Police Inspector,
Local Crime Branch

..RESPONDENTS

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Advocate for Applicants : Mr. Dnyaneshwar Raosaheb Kale
APP for Respondent/State : Mr.Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail in connection with crime No.48 of 2017 registered with Shani Shingnapur Police Station, Tq.Newasa, Dist. Ahmednagar, for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B, 201, 506 of the Indian Penal Code and under sections 3/25 and 4/25 of the Arms Act and under section 37(1)(3)/135 of the Maharashtra Police Act.

2. It is averred in the report that informant's deceased brother Ganesh is assaulted by the applicant and other co-accused on account of purchasing of agricultural land at Shani Shingnapur. Ganesh was in jail. Avinash got executed the sale deed of that

property in his exclusive name. Therefore, quarrel started between them. On 20.12.2017, the incident took place in the morning. The applicants and other accused assaulted Ganesh with sword, pistol, an axe as well as stick also. Ganesh was admitted in the hospital and there he succumbed to the injuries on the same day. The applicant and other accused were arrested. Some of the accused were captured in the CCTV footage. Sword, pistol, an axe, stick etc., were seized. Rest of the accused were released on bail by this Court and by order of the Hon'ble Supreme Court on the ground that trial is not likely to be concluded in near future. It is also observed that co-accused are in jail for more than five years and eight months. The learned advocate for the applicant submitted that roznama of the trial shows that some times accused were not produced, some times APP was absent. Therefore, there is no progress in the trial. He lastly prayed for granting bail.

3. The learned APP for the respondent/State pointed out the statements of the witnesses, which show that there is direct evidence that the applicant and co-accused have assaulted deceased Ganesh. He pointed out the CCTV footage as well as recovery of weapon under section 27 of the Evidence Act from the co-accused. He lastly submitted that at the most trial can be expedited.

4. Perused the charge-sheet and the order passed by this Court in which co-accused were released on bail and also the order passed by the Hon'ble Supreme Court in which the remaining accused were released on bail. More than six years are over, the trial is not concluded and the evidence of only two witnesses are recorded. The applicant has roots in the society. The applicant has no criminal antecedents. The applicant will not flee away from trial. At the most, the applicant can be directed that he shall not enter in Newsa Taluka till the conclusion of the trial except the dates fixed by the learned trial Court for hearing of the case. The application, therefore, deserves to be allowed on certain conditions. Hence the following order :

ORDER

- I. Application is allowed.
- II. The applicant in connection with crime No.48 of 2017 registered with Shani Shingnapur Police Station, Tq.Newasa, Dist. Ahmednagar, for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B, 201, 506 of the Indian Penal Code and under sections 3/25 and 4/25 of the Arms Act and under section 37(1)(3)/135 of the Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not enter in Newasa Taluka till the conclusion of trial except the dates fixed by the trial Court for hearing of the case.
- b) The observations made hereinabove are prima facie in nature and for deciding the bail application only.

(SANJAY A. DESHMUKH, J.)

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