

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1294 OF 2024

Uttam Nivrutti Jadhav

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Prashant Prabhakar Giri

APP for Respondents/State : Mr. A.A.A. Khan

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 10, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.68 of 2020 registered with Deoni Police Station, District Latur for the offences punishable under Sections 302, 504 r/w 34 of the Indian Penal Code.
3. This is a successive bail application of the applicant. Earlier, this Court refused him bail on 07.10.2020. His second bail application was decided on 30.08.2023. In that order, liberty was granted to restore the bail application, if the trial is not concluded within three months.
4. The applicant seeks bail on two grounds. Firstly, the trial is not concluded, evidence of only two witnesses have been completed

and third is part-heard and co-accused having identical role has been granted bail.

5. Learned APP would submit that the role attributed to the applicant is not identical to the co-accused, who has been granted bail. In the FIR, a specific role is attributed to the applicant. So far as the delay in trial is concerned, during the examination of the third witnesses, the applicant moved an application to grant leave to produce the document and that application was pending. Therefore, the trial was stalled. It was the applicant who stalled the trial. Therefore, it cannot be said that the trial was delayed at the instance of the prosecution.

6. It is a matter of serious concern. A simple application to produce the documents filed on 11.03.2024 was kept pending till 05.08.2024. It is nothing but a sheer negligence. When he filed an application before this Court, the learned Additional Sessions Judge, Udgir passed an order on the said application on 05.08.2024 and listed the matter for evidence part-heard on 19.08.2024. However, the witness who was part-heard was not called for cross-examination. Then the matter was listed for 03.09.2024.

7. There are two versions about the role attributed to the applicant by the same person. So, it is a matter of appreciation whether such two statements as to the cause of death are inadmissible. The trial has been commenced. Hence, it would be not

proper for this Court to comment on its validity and admissibility. Since two statements were there, in one of it, the role of the applicant differs from two co-accused who were granted bail and the trial is in progress. This Court do not comment and grant bail on that ground. So far as the delay is concerned, the applicant is languishing in jail since 2020. Apparently, the trial was going at a snail speed. In four years of his arrest, only two witnesses have been examined. After the rejection of his first bail application, he waited for three years. After three years, he came for bail. This Court again granted an opportunity to the Trial Court a year before to conclude the trial. It seems that it is not taken seriously.

8. Considering the way of the trial and the seriousness of all agencies in under-trial prisoners cases, the Court is of the view that it cannot ensure a speedy trial. There is no reason to keep the applicant behind bar for uncertain period. Hence he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Uttam Nivrutti Jadhav, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;

(4)

(a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(b) The applicant should stay away from his Village Talegaon, Taluka Deoni, District Latur for three months from the date of his release.

(iii) A copy of this order be sent to the Sessions Judge, Latur with a request to look into the under-trial prisoners cases and supervise all the Courts by taking periodical stock. If he finds the errors and negligence of the judicial officers, he should report their conduct to their Guardian Judge.

(S.G. MEHARE, J.)