



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

930 BAIL APPLICATION NO. 1584 OF 2024

BHIKAN SHAMSING PARDESHI (RAJPUT)
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rohit Patwardhan h/f Mr.Jadhav Satej S.
APP for Respondent/State : Mr.S.P. Sonpawale

...
CORAM : S. G. MEHARE, J.

DATE : 18th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.0428 of 2022 registered with M.I.D.C. police Station, Jalgaon, Dist. Jalgaon, for the offences punishable under sections 302, 364, 365, 201 read with 34 of the Indian Penal Code.
3. By this successive bail application, the applicant is seeking bail for indefinite incarceration in jail. The applicant has been arrested on 08.06.2022. However, Roznama shows that the matter is ready for recording the evidence. Roznama produced on record shows that some steps are taken. Now a days, it is a practice that when the prosecution starts to proceed with the matter to decide on merits, the accused file some applications due to which trial is stalled. It is very easy for the accused to protract the trial by filing such applications. For such acts, the prosecution cannot be blamed. Perhaps the accused

might have been advised, if the trial would be protected, he would be released on bail for long incarceration. This *modus-operandi* of the accused is mushrooming in the Trial Court, knowing well the Courts are heavily burdened. The Hon'ble Supreme Court, in the ***State of Bihar and another vs. Anant Kumar @ Bachcha Rai, (2017) 13 SCC 751***, has held that when seriousness of the offence was such magnitude mere fact that accused was in jail for long time, is inconsequential.

4. The offence against the applicant is grave. That apart, the case is ready for recording evidence. From the record, it cannot be said that the prosecution has deliberately protracting the trial. Hence, the application stands dismissed.

(S.G. MEHARE, J.)

sga