



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 30 OF 2025
WITH
CRIMINAL APPLICATION NO. 758 OF 2025
IN BA/30/2025

1. Surjitsingh S/o. Sultansingh Tak, }
Age : 24 years, Occu. : Labour, }
R/o. Phulenagar, Manwat, }
Tq. Manwat, Dist. Parbhani. }
2. Arjunsingh S/o. Harjeetsingh Tak, }
Age : 23 years, Occu. : Labour, }
R/o. Pathrinaka, Manwat, }
Tq. Manwat, Dist. Parbhani. } ... Applicants.

Versus

The State of Maharashtra, }
Through Police Station Manwat, }
Tq. Manwat, Dist. Parbhani. } ... Respondent.

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Mr. S. G. Magre, Advocate for Applicants.
Mr. P. K. Lakhotiya, APP for Respondent - State.
Mr. Avinash N. Barhate Patil, Advocate for Applicant - informant
in Cri.Appln.758/2025.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 APRIL 2025

PRONOUNCED ON : 04 APRIL 2025

ORDER :

1. Applicants seek enlargement on regular bail on account of their arrest in Crime No. 0342 of 2022 registered at Manwat Police Station, District Parbhani for the offence punishable under sections 302, 326, 143, 144, 148, 149 and 506 of Indian Penal Code and under section 4/25 of the Arms Act.

2. Criminal Application No. 758 of 2025 is allowed. The original informant is permitted to assist the learned A.P.P.

3. Learned counsel for applicants pointed to the date of arrest of applicant as 08.11.2022 and submitted that present application is primarily on the ground of long pre-trial incarceration. It is pointed out that, alleged incident is a fall out of photograph on banner and the status on WhatsApp. That, there was no motive to kill. That, there are allegations of use of sword. That, as many as 11 persons are named. That, whatever was to be recovered is already recovered. That, nothing more is to be discovered or recovered. That, charge sheet is filed in February 2023 itself. That, neither charge is framed nor trial has commenced and hence, learned counsel seeks enlargement on bail on all and any conditions deemed fit by this court.

4. Learned APP opposed on the ground that, there is direct evidence. That, there is brutal murder by use of sword. That, there are eye witnesses. That, there is recovery at the instance of present applicants and they are main accused. Learned APP took this court through the statement of witnesses and further pointed out that present applicants have criminal antecedents for committing offence like section 307 of IPC and currently are

involved in offence of murder. Learned APP also apprehends misuse of liberty.

5. Learned counsel for informant also strongly opposed on the ground that brutal murder is committed by use of deadly weapon like sword. That, there are eye witnesses whose statements are recorded under section 164 of Cr.P.C. and the same are consistent. According to him, head of the deceased was attempted to be severed. That, previous attempt by applicant Arjunsingh to seek bail went futile as disinclination was shown, said application was withdrawn. Learned counsel also apprehends misuse of liberty and that already complainant party is receiving threats and consequently steps were taken seeking cancellation of bail of accused, who were released.

6. Heard. Perused the papers. FIR dated 08.11.2022 is at the instance of one Ravisingh Gabbusing Bawri and he reported that on the night of 07.11.2022, when he, one Balramsingh, Pavansingh, Dipsingh, Tejadsingh, Balesingh were taking tea in a hotel, phone call was received from the father of Balramsingh Bawri and further passed information about his father informing that, Surjitsingh (present applicant no.1), Arjunsingh (present applicant no.2), Balwansingh, Manjitsingh, Anandsingh, Sultansingh, Ranbirsingh, Shersingh, Jugnusingh, Sarjitsingh and

Lalkarsingh had come to the house of Balram getting armed with sword and sticks. That, Surjitsingh i.e. present applicant allegedly questioned about photograph of Balram appearing on the banner after editing photograph of Kanhaisingh his grandfather and issued threats to kill and went away.

7. He further stated that, after short while above named persons again came armed with sword and sticks and mounted assault. Allegations of assault by means of sword are attributed to present applicants on Balramsingh and their associates, resulting into death of Balramsingh.

On above report, crime seems to have been registered.

8. Now, present application is solely on the ground of long pre-trial incarceration. This court had on the previous date heard the above submissions and had sought report from the learned trial Judge. Report dated 26.03.2025 is received, by which learned Ad-hoc District Judge-1 and Additional Sessions Judge, Parbhani has communicated that summons are issued, however, muddemal is not yet deposited by concerned police station and prosecution intends to examine 20 witnesses. However, learned trial Judge has given candid opinion that more than one and half year would be required to decide the matter.

9. Taking the above report into consideration and the fact that applicants are behind bars since November 2022 i.e. more than two years. Therefore, only to avoid long and indefinite pre-trial incarceration, applicants deserves to be enlarged by imposing stringent conditions. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicants, namely Surjitsingh S/o. Sultansingh Tak and Arjunsingh S/o. Harjeetsingh Tak be released on bail in connection with Crime No. 0342 of 2022 registered with Manwat Police Station, District Parbhani, on executing Personal Bond of Rs. 15,000/- each with one surety each in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicants shall not enter the vicinity where the informant and family members of deceased reside till conclusion of trial.
 - [c] The applicants shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicants shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)