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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.41 OF 2025

Akash Sakharam Sonawane
Indraprastha Nagar,
Behind S.K. Oil Mill,
Near Buddha Temple, Jalgaon.

... Applicant

Versus

State of Maharashtra
Through Police Station In-charge,
Jalgaon City Police Station,
Jalgaon, Dist. Jalgaon.

... Respondent

.....
Ms. Khushi K. Varma, Advocate for Applicant
Ms. Vaishali S. Chaudhari, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 MARCH 2025

PRONOUNCED ON : 06 MARCH 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0076 of 2022, registered at Jalgaon City Police Station, District Jalgaon, for offence punishable under Section 302 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest as 26.03.2022, learned counsel for applicant submitted that, there is false implication. That, FIR is on hearsay information. That, entire case is based on circumstantial evidence. That, there is no direct evidence.

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That, investigation is already over and charge-sheet is filed in July 2022 itself. That, charge is though framed in January 2023, till date, there is no progress, and matter is still showing on the stage of hearing. Therefore, according to the learned counsel, as uncertainty prevails regarding conclusion of trial, and there is long incarceration since more than two years, learned counsel seeks grant of bail on suitable conditions deemed fit by this Court.

3. Learned APP is opposed the bail application on the ground that serious offence of murder is committed. That, investigation revealed involvement of present applicant. That, learned App took this Court through the statements of witnesses namely, Hema Sonawane, Rahul Khule and Pankesh Pareraon. He further submitted that, though investigation is over and charge-sheet is filed, trial is about to commence and documents are already tendered to the defence as required under Section 294 of Cr.P.C. Therefore, according to learned APP, there are bright prospects of matter reaching a conclusion.

4. In answer to above, learned counsel for applicant further joined by submitting that, on next date, i.e. on 13.03.2025, matter is merely shown for hearing. That, prosecution is

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intending to examine more than 27 to 28 witnesses. That, amongst all the time accused is not produced from the jail. That, applicant is not at fault, and therefore, according to learned counsel, there is long incarceration

5. Heard. Perused the papers. FIR is by one Mukesh Sonawane. He has reported that, his brother Naresh (deceased), who was a rickshaw driver, was have having love affair with one Hema Sonawane since 7 to 8 years. According to him, on 26.03.2022, he received call from his elder sister Ranjana informing that, Naresh is admitted in Civil Hospital and to come soon. When he reached there, his brother was found dead with fatal injuries. He further reported that, one Disha Ahire resident of Shivajinagar, Jalgaon informed him that around 02:00 p.m. to 02:30 pm., Naresh had called her asking that whether he should go to the house of Hema, and she allegedly told him that it is his wish, and thereafter, she further reported receiving a call from Naresh, informing her that he was injured and lying in Hema's house. Therefore, she went there and claims to have learnt from Naresh that Akash (present applicant) assaulted him in the backdrop of his love relations with Hema. Thereafter, Disha and friend of Naresh namely, Kamlakar brought him to the Hospital.

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On above information, brother of deceased Naresh has lodged report at Jalgaon City Police Station, resulting into registration of above crime.

6. Statements of Kamlakar and Hema are also recorded, but on 26.03.2022 and 27.03.2022, respectively. Kamlakar claims that, around 02:00 p.m. to 02:15 p.m., he met Pankesh Ashok Parerao, and when they both were going to Shivajinagar, Rahul Khule and Pankaj @ Golu Samudre were met informing that some incident was happened with Naresh, and therefore, they all went to Shivajinagar. He claims that on reaching there, they found crowd. There, Rahul got a call from the phone of Naresh, on which a lady was talking and when they reached at HUDCO Chowk, a lady made gestures and took them to a room and when they going to the room, they asked about Naresh, she told him that he was lying injured in the upper room. This witness claims that the lady told her name as Hema, and that she had love relations with Naresh. They went inside the room, where Naresh was lying on the floor in a pool of blood. On being asked what happened, he allegedly asked them to shift him to Hospital, and also told them that he had been assaulted by Akash by means of knife.

7. On visiting the statement of Hema, she made a statement that she got married in the year 2012 with one Pandurang. But, before to her marriage, she got acquainted with Naresh, and there was love affair between them. She further claims that, after strained relations with husband, she came to reside with her mother and came in contact with Akash Sonawane, and on his proposal, she got ready to marry him, and after their marriage, Akash started residing with her mother at Shivajinagar HUDCO. At such place, Naresh started coming to her house, and even questioned her for marring, and at that time, also beat her for not maintaining relations with him. She further reported that on 26.03.2022, while she and Akash were in the house, Naresh come to the house and also tried to hit her with the stone. Akash intervened, and that time, it is alleged that, Naresh took out knife, at that time, Akash pulled her out of the room and locked the door from inside. Thereafter, Naresh called her and asked her to take into the Hospital. Therefore, from the statements of Kamlakar as well as Hema, the name of applicant is surfacing. Postmortem report shows that deceased died due to multiple stab injuries. However, here present application is pressed into service on the sole ground that

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applicant is behind bars since more than two years, and trial has not commenced, and rather it amounts long pre-trial incarceration.

8. Apparently, arrest is of March 2022, charge-sheet is reported to be filed in July 2022 and charge is already framed on 27.01.2023 itself, i.e. two years back. However, recording of evidence has not commenced and from the *Rojnama*, it is seen that, as of today, stage achieved is only documents are tendered to the defence under Section 294 of Cr.P.C. Learned counsel for applicant has made a statement across the bar that almost 28 witnesses are proposed to be examined by prosecution. Therefore, definitely the future course of the trial remains uncertain, and when there are no prospects of trial coming to an end in this year also, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Akash Sakharam Sonawane, be released on bail in connection with Crime No.0076 of 2022, registered with Jalgaon City, District Jalgaon on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

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- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not enter Jalgaon City, till conclusion of trial, except attending the dates before the trial Court.
- [c] The applicant shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane