



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

BAIL APPLICATION NO. 134 OF 2025

Dnyaneshwar @ Nanarao Limbaji Ghuge

Age: 40 years, Occu.: Agri.,

R/o. Basamba,

Tq. & Dist.Hingoli.

....Applicant

Versus

The State of Maharashtra

Through Basamba Police Station,

Dist.Hingoli.

.....Respondent

.....

Advocate for Applicant : Mr. Dhananjay M. Shinde

APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 FEBRUARY, 2025

PRONOUNCED ON : 26 FEBRUARY, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no.0324 of 2022 registered at Basamba Police Station, Dist.Hingoli for offence under Sections 302 and 323 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest of the applicant as 17-11-2022, it is put-forth that applicant is behind bars since more than two years.

He pointed out that matter is held up and stuck up at the stage of

receiving Muddemal since December, 2024 and therefore, matter has not moved beyond such stage. That, occurrence was sudden and not premeditated. That charge is framed way back in June 2023 itself. He points out that as is appearing from the chargesheet, prosecution is intending to examine over 25 witnesses and thus, according to him, going by such strength of witnesses, trial would take sufficiently long time to be concluded. He pointed out that occurrence is in the backdrop of minor quarrel over distribution of water between neighbours. That, there are allegations of throttling. For above reasons coupled with reason of medical ailment, learned counsel seek grant of regular bail.

3. Learned APP, who opposed, pointed out that present application is successive bail application. That, initial application was rejected by this Court. He further submitted that applicant has already availed bail on medical grounds for month together. He further pointed out that matter is awaiting Muddemal and as such, trial would commence soon. For above reasons, there is oppose to the bail application.

4. Heard. Perused the papers. FIR dated 17-11-2022 at the

instance of Raju Ganpat Ghuge is that on 16-11-2022, there was quarrel between his brother Gajanan and present applicant over giving water to the field and it is alleged that between 05:00 p.m. to 06:00 p.m., after sitting on person of his brother, applicant throttled his brother. However, above information seems to be received by informant on telephone and therefore, he claims to have reached there and had seen the occurrence. On above report, crime is registered and applicant shown to be arrested on same day i.e. on 17-11-2022. Chargesheet is said to be filed on 21-01-2023 itself.

Statement made across the bar by learned counsel that applicant faced charge, which was explained to him on 17-06-2023 itself is not disputed by the learned APP.

Learned APP pointed out that matter is merely waiting for Muddemal and that trial would commence soon.

On that count matter was kept back for ascertaining since when case is held up at the stage of waiting for Muddemal. After matter was kept back, learned APP as well as learned counsel for the applicant both appeared and pointed out that said stage is shown since 02-12-2024. Learned APP could not point out exactly when Muddemal has been despatched by the Investigating Officer to the Chemical Analyzer. Therefore, considering the incarceration for

more than two years and as there is no progress in the trial, this Court is constrained to grant relief. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Dnyaneshwar @ Nanarao Limbaji Ghuge be released on bail in connection with Crime no.0324 of 2022 registered with Basamba Police Station, Dist.Hingoli on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter into vicinity of village Basamba, Tq. and Dist.Hingoli, till conclusion of trial.
- (v) Applicant shall attend concerned Police Station twice in every week i.e. on each Monday and Friday from 11:00 a.m. to 02:00 p.m. till trial commences and thereafter, he shall attend each and every effective date before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE