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

BAIL APPLICATION NO.170 OF 2025

Rushikesh @ Nilesh S/o Chandrakant Thakur,
Age: 24, Occu.: Labour,
R/o. Vanjola Road, Tulsi Nagar,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon.

... Applicant

Versus

The State of Maharashtra
(At the instance of Bazar Peth
Police Station, Tq. Bhusawal,
Dist. Jalgaon)

... Respondent

.....
Mr. Shaikh Faisal Naseemuddin, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent – State

.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 19 MARCH 2025
PRONOUNCED ON : 20 MARCH 2025

PER COURT :-

1. Present application is for grant of regular bail on account of arrest of the application in Crime No.0454 of 2023, registered at Bhusawal Bazarpeth Police Station, District Jalgaon for offences punishable under Section 302 of the Indian Penal Code (IPC) and under Sections 37(1) and 135 of the Maharashtra Police Act.

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2. Pointing to the date of arrest of the applicant as 02.09.2023, learned counsel for the applicant emphasized that applicant is languishing in jail since more than 1 ½ year. That, incident was merely with intention to save marital life of sister. That, deceased brother-in-law Nikhil had extramarital affair, and in that backdrop, alleged incident has taken place. According to learned counsel, there is only one eyewitness, but his testimony is also unworthy of credence, more particularly, because of his delayed reporting, and unnatural conduct. He further submitted that, deceased himself had criminal antecedents and 17 crimes are registered against him including grave offences. Lastly, learned counsel emphasized that, present application is less on merit, but more on long pre-trial incarceration, as according to him, there is a long list of 46 witnesses proposed to be examined on behalf of prosecution, and not a single witness has been examined yet, matter is still on unready stage carry.

3. In support of above long pre-trial incarceration and right of speedy trial, learned counsel seeks reliance on *V. Senthil Balaji Vs. Deputy Director, Directorate of Enforcement*, AIR 2024 SC 4760, *Prem Prakash Vs. Union of India through the Directorate of Enforcement*, AIR2024SC 4286, *Tapas Kumar*

Palit Vs. State of Chhattisgarh, MANU/SC/0216/2025 and Vishal Ramesh Bhadve Vs. State of Maharashtra in Criminal Appeal No.408 of 2023.

4. Learned APP opposed on the ground that serious offence of murder has been committed. That, there is direct eyewitness account. That, brutal murder has been committed. In this connection, learned APP took this Court through the postmortem report, column No.17 and highlighted that deceased had suffered multiple incised wounds, CLW and abrasion at various parts and autopsy surgeon had shown death due to hypovolaemic shock due to multiple injuries and blood loss. Learned APP pointed out that previous applications have been turned down by this Court. Moreover, there is a recovery of blood stained weapon at his instance. Learned APP took this Court through the statement of one Harshal Kadam and would submit that he is an eyewitness. For all above reasons, learned APP seeks rejection of application.

5. After considering the above submissions and on going through the papers, it is emerging that, above crime is registered on the information given by Suresh Pandu Shinde. Statement of alleged eyewitness shown that, he was acquainted with present

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applicant as well as deceased, and he claims to be aware of love affair between Anisha Tayde and Nikhil. He claims that, six months back, in above backdrop, there were quarrels between Nikhil and his wife Bhagyashri, and he beat her. As a result of which, Rushikesh @ Nilesh had beaten by Nikhil in August 2023. He further claims that on 01.09.2023, he, Rushikesh @ Nilesh Thakur and one Abhishekh Sharma, who is involved in MCOCA case, and is at large, they all consumed liquor together. He claims that, around 02:30 a.m., hearing shouts of Nikhil Rajpur, he woke up and saw brother-in-law of Nikhil namely, Rushikesh giving knife blows of on throat, chest and other parts of the body. Therefore, here, there is direct eyewitness statement. However, learned counsel for the applicant as stated above, has laid much stress on long pre-trial incarceration rather than on merits.

6. Apparently, there is grave murder as is evident from column No.17 of postmortem report as well as cause of death. Applicant is said to be behind bars since 1 ½ years, and it is pointed out that prosecution intends to examine 46 witnesses. Learned counsel for the applicant has made a statement that not a single witness has been examined yet and the Court is dealing

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with applications forwarded by accused. Learned counsel has placed on record case states, which shows that the case is on the file of learned 4th Adhoc District Judge and Additional Sessions Judge, Bhusawal. Since committal dated 24.01.2024, not a single witness has been examined yet, and the matter is shown for argument on Exhibit up to 12.03.2025. Therefore, when applicant is arrested on 02.09.2023, indeed he is behind the bars since long, and when there are no prospects of trial commencing, to avoid long pre-trial incarceration, application deserves to be allowed. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant Rushikesh @ Nilesh S/o Chandrakant Thakur, be released on bail in connection with Crime No.0454 of 2023, registered at Bhusawal Bazarpeth Police Station, District Jalgaon on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not vicinity of Dattanagar, Wanjola Road, Bhusawal, till conclusion of trial.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

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[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday, shall regularly attend each and every effective date before the trial court, till conclusion of trial.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane