



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2027 OF 2024
WITH
CRIMINAL APPLICATION NO. 389 OF 2025

Mangal W/o. Ravindra Tanpure,
Age : 42 years, Occu. : Household,
R/o. Hanuman Nagar, Line No.2,
Aurangabad, Tq. & Dist. Aurangabad. ... Applicant

Versus

The State of Maharashtra,
Through Police Station, Pundlik Nagar,
Aurangabad, Tq. & Dist. Aurangabad. ... Respondent

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Mr. Sopan G. Bobade, Advocate for Applicant in BA/2027/2024
Mr. P. K. Lakhotiya, APP for Respondent - State.
Mr. A. S. Bayas, Advocate for Applicant in APPLN/389/2025

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 MARCH, 2025

PRONOUNCED ON : 19 MARCH, 2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in Crime No.0315 of 2021 registered at Pundliknagar Police Station, District Aurangabad for offence punishable under sections 302, 341, 342, 326, 307, 114, 143, 144, 147, 148, 149 and 201 of Indian Penal Code.

2. Criminal Application No. 389 of 2025 is allowed. The original complainant is permitted to assist the learned A.P.P.

3. Learned counsel for applicant submitted that, applicant is a lady and she is arrested and behind bars since August 2021. He pointed out that, only allegations against present applicant is that she assaulted by means of piece of tile which was already lying there. That, other allegations of use of alleged articles are against other accused. That, it was sudden occurrence. That, now investigation is over and charge sheet is filed long back in November 2021 itself. That, applicant is behind bars since more than 3 years. That, prosecution proposes to examine 72 witnesses and only 5 to 6 witnesses have been examined and court was on long leave. Therefore, according to learned counsel, this amounts to long pretrial incarceration and he seeks reliance on the decision of the Hon'ble Apex Court in the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Anr.*** reported in ***(2024) 9 SCC 813*** and orders in other bail applications. Copies of which are annexed herewith.

4. Learned APP as well as learned counsel for original complainant, both opposed that, brutal murder of a young boy has been committed on a petty count. That, deceased himself named all assailants while he was shifted to hospital. That, they both point out that there is direct eye witness account. That, role of present

applicant is also crystallized. Learned APP pointed out that, it is true that, court was on leave, but now court is about to resume from medical leave from 01.04.2025 and thus according to him matter will gain momentum and also move fast.

5. Heard. Perused the papers including FIR at the instance of one Pravin Rajput, who is brother of deceased Akash. Informant Pravin has reported police that, on 08.08.2021 telephonic message was received from Police Station Pundliknagar about his younger brother Akash being assaulted, then he and his mother rushed there. He claims that, while being shifted to hospital, his brother Akash told that, in the backdrop of some quarrel which had taken place two days back at Hussain Colony, Ganesh Tanpure, his brother Rushikesh and relatives namely, Sandeep Jadhav, Rahul Pawar and mother Mangal Tanpure, i.e. present applicant obstructed injured Akash and his friend Sagar and started abusing them. It is informed about hearing from injured brother about Sagar managing to flee after which Ganesh and Rushikesh assaulted Akash by means of knife and iron rod, whereas Sandeep and Rahul used sticks. As regards to present applicant is concerned, who is mother of assailant, allegedly hit Akash with a tile and to this extent oral dying declaration is received by informant and further he set law into motion, resulting into arrest of five accused on 09.08.2021.

6. Therefore apparently applicant, who is a lady and she is behind bars since almost three and half years. In FIR as well as in supplementary statement role of applicant is of using tile.

7. As is emerging from charge sheet that prosecution intends to examine 72 witnesses. This court had called report from learned trial Judge, who responded by tendering a report on 18.02.2025 informing that recording of evidence commenced in March 2024 and six witnesses were examined by 27.11.2024 and for want of muddemal, matter has not progressed. There were bail applications by accused persons while in jail also. However, in paragraph no.6 of the report, learned trial Judge has conveyed that Presiding Officer is on medical and child care leave since 02.01.2025 upto 01.04.2025 and that after resuming duties matter will be expedited and even concluded within six months.

8. Arrest of applicant is since 09.08.2021. Charge sheet is already shown to be filed on 11.11.2021. Charge is said to be framed on 19.04.2022 and evidence recording seems to have commenced from March 2024. As stated above, 72 witnesses are to be examined by prosecution. Only 5 to 6 witnesses are examined till January 2025 and moreover Court is on medical leave.

Therefore, this is a fit case which can be termed as long pre-trial incarceration of a person, who is a lady and against whom there are allegations of hitting tile. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Mangal W/o. Ravindra Tanpure be released on bail in connection with Crime No. 0315 of 2021 registered with Pundliknagar Police Station, District Aurangabad, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)