



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 244 OF 2024

Akash Bhausaheb Dake,
Age : 28 years, Occu. : Agri.,
R/o. Sairajnagar, Bolhegaon,
Tq. & Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Tophkhana Police Station,
Ahmednagar, Tq. & Dist. Ahmednagar.

... Respondent.

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Mr. N. B. Patekar, Advocate for Applicant.
Mr. V. M. Chate, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 3rd MARCH 2025
PRONOUNCED ON : 5th MARCH 2025

ORDER :

1. This is a successive application for grant of regular bail on account of arrest of applicant in Crime No.0493 of 2021 registered at Tophkhana Police Station, Ahmednagar for offence punishable under sections 307, 308, 387, 341, 147, 148, 149, 109, 120-B, 427, 323, 504, 506 of Indian Penal Code (IPC) and under section 4/25 of the Arms Act and under sections 3(1)(ii), 3(2) & 3(4) of the MCOC Act.

2. Pointing to the date of arrest of applicant as 18.06.2021, it is submitted that charge sheet is filed long back. That, here, there is pre-trial long incarceration. That, there are mere allegations of use of stone. That, different statements are given by witnesses under section 161 of Cr.P.C. to the police and those statements are given before learned Magistrate. That, now, no further recovery or discovery is to be made. As there is no prospect of case coming to conclusion in near future, he prays for bail.

3. While opposing the Bail Application, learned APP submitted that, present applicant is main accused. That, overt act is clearly attributed in the FIR itself. That, there are repeated assaults. Learned APP pointed out that, applicant is harden and habitual criminal and therefore provisions of MCOCA are attracted. As many as 12 crimes are registered against him and hence learned APP opposes grant of relief of bail.

4. Heard. Perused the papers. FIR dated 18.06.2021 is at the instance of one Sachin Nikam. He has reported that on 18.06.2021, when he on request of his friend Jayesh and his mother, were proceeding in a four wheeler towards Bolhegaon, at that time, their vehicle allegedly intercepted and obstructed by Akash Dake i.e. present applicant. It is alleged that, thereafter, there were abuses

and beating. Later on, when informant along with Jayesh went with vehicle to police station around 2:00 p.m., it is alleged that, present applicant came along with 5 to 7 persons in the vicinity of police station. It is further alleged that, there was assault by means of stone and one of them namely Ganesh was said to be armed with knife. Akash twice, thrice hit stone on the head of informant. Therefore, the above material clearly shows that in the broad daylight second time by forming assembly of 5 to 7 persons, second episode of assault is committed in the very vicinity of police station. Thus, prima facie, there is utter disregard to the law and order. Learned APP pointed out that, as many as 12 offences are registered against present applicant including MCOCA.

5. Considering the year of crime and charge sheet to be filed long back, this court had called report from trial Judge, who is seized with the matter, to ascertain as to whether there is calendar of trial at all drawn by learned trial Judge. This court is in receipt of the report dated 24.02.2025 from learned Special Judge (MCOCA), Ahmednagar, stating the size of the entire cases seized by the said court and it is further conveyed that, on 21.02.2025, learned APP has filed proposed sessions calendar for commencement of trial and dates are given in tabular form. From the same, it is emerging that, State and Court is planning to conclude evidence by 15.05.2025.

Therefore, in view of the calendar, there are bright chances of matter getting concluded in coming months, provided witnesses are produced, accused are produced and defence co-operates.

In the light of above circumstances, this court is not inclined to consider the relief of bail on merits.

6. The bail application stands rejected.

(ABHAY S. WAGHWASE, J.)