



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

BAIL APPLICATION NO. 386 OF 2025

Kishor S/o. Narayan Ghangaov @ Ghangaon
Age: 38 years, Occu.: Labour,
R/o. Bhivrat Mandva (Savargaon),
Tal. Parali, Dist.Beed, Maharashtra.

....Applicant
(Orig. Accused No.3)

Versus

The State of Maharashtra
Through the Police Inspector / Investigating
Officer in Crime No.0589/2022, Vivekanand
Chowk Police Station, Latur, Tal. & Dist.Latur.

....Respondent

.....
Advocate for Applicant : Mr.Abhaykumar Dilip Ostwal
a/w. Mr.Mohit Lalit Deoda
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 APRIL, 2025

PRONOUNCED ON : 08 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0589 of 2022 registered with Vivekanand Chowk Police Station, District Latur, for offence under Sections 395, 397, 120-B of the Indian Penal Code and under Sections 3, 4, 25 of the Arms Act.

2. At the threshold, learned counsel pointed out that applicant is arrested in above crime on 21-10-2022 i.e. almost more than two

years and four months back. He pointed out that FIR is apparently against unknown persons. That, there is no direct evidence. That, investigation is over and chargesheet is already filed on 18-01-2023. He further pointed out that even when chargesheet has been filed for more than two years back, till date charge has not been framed and therefore, currently he seeks enlargement only on the grounds of pre-trial long incarceration and there being no prospects of trial commencing in near future.

Learned counsel also pointed out that co-accused Balu @ Balusingh Amar Singh Tak, Ganesh Kondiba Ahire, Vijay Babruwan Gaikwad and Ramsing Dhansing Bhond are already beneficiary of bail. Therefore, he has pressed application on the ground of parity also.

3. Learned APP opposed application on the ground that serious offence is committed. However, according to learned APP, in the trial Court on the last date, matter was for receiving medical report and next date is 16-04-2025. According to him, there are bright chances of trial commencing soon.

4. Heard. Perused the papers. FIR dated 12-10-2022 at the

instance of one Akash Agrawal is regarding alleged theft of valuables and cash worth Rs.2,98,09,500/- against five unknown persons. On above report dated 12-10-2022, applicant is said to be arrested on 21-10-2022 i.e. after almost ten days.

5. Learned APP submits that there is identification of accused persons. That applicant to be amongst thieves and there is recovery also from him.

On Court query as regards to prospects of trial as chargesheet is said to be filed way back in January, 2023, learned APP has reiterated that mater is at the stage of receiving medical report and he is optimistic of matter going for trial in near future.

However, taking into consideration the date of arrest of applicant as 21-10-2022 and inspite of chargesheet being filed in January, 2023, charge itself is not framed, there is uncertainty of commencement of trial or its conclusion. Therefore, to avoid long pre-trial incarceration coupled with fact that co-accused are already granted bail, relief of bail deserves to be granted. Hence, following order is passed. :

ORDER

- (i) Application is allowed.
- (ii) Applicant Kishor S/o. Narayan Ghangaov @ Ghangaon be released on bail in connection with Crime no.0589 of 2022 registered with Vivekanand Chowk Police Station, Dist.Latur, 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 leave the jurisdiction of Vivekanand Chowk Police Station, Dist.Latur, without prior permission of the Court, till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE