



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 421 OF 2025

Ganesh s/o Shivaji Ghodke
Age 40 years, Occupation Agriculture,
r/o Kasba Dharur,
Taluka Dharur, District Beed. ... Applicant

Versus

1. The State of Maharashtra
Through P.I. Police Station,
Dharur, Taluka Dharur,
District Beed.
2. The Superintendent of Police,
Beed, District Beed. ... Respondents

WITH
CRIMINAL APPLICATION NO. 1295 OF 2025
IN
BAIL APPLICATION NO. 421 OF 2025

Sudarshan s/o Namdeo Shingare,
Age 32 years, Occupation Service,
R/o Kille Dharur, Taluka Dharur,
District Beed. ... Applicant

Versus

1. Ganesh s/o Shivaji Ghodke
Age 40 years, Occupation Agriculture,
R/o. Kille Dharur, Taluka Dharur,
District Beed.
2. The State of Maharashtra
Through the Police Inspector,
Dharur Police Station,
Taluka Dharur, District Beed. ... Respondents

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Mr. A. R. Hange, Advocate for the Applicant in Bail Application No.421 of 2025.

Mr. V. M. Jaware, APP for Respondent-State in both applications.

Mr. C. A. Shingare, Advocate for the Applicant in Criminal Application No. 1295 of 2025.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 09.04.2025

ORDER :

1. Criminal Application No. 1295 of 2025 is at the instance of original informant seeking permission to assist learned APP in prosecuting the Bail Application. For the reasons mentioned in the application, applicant/informant is permitted to assist APP. Criminal Application No. 1295 of 2025 is accordingly disposed off.

2. Applicant in Bail Application No. 421 of 2025 seeks grant of regular bail on account of his arrest in crime no. 203 of 2019 registered at Dharur Police Station, District Beed for offences punishable under Sections 302, 201 r/w 34 of IPC.

3. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 13.08.2019 and since then, he is behind bars. Investigation is already over and charge sheet is filed way back in November 2019. He pointed out that charge is already framed on 01.01.2022, but trial is proceeding at snails pace, resulting into long

pre trial incarceration. He further pointed out that, there are no allegations and no role is attributed to the applicant in the alleged assault. Therefore, on both counts, i.e. on merits as well as on the ground of long pre trial incarceration and delayed trial, learned counsel prays for grant of bail.

4. Learned APP as well as learned counsel for the applicant have both opposed on the ground that serious offence is committed. Applicant is named by the informant. Moreover, from the FIR, informant claims that present applicant himself disclosed the chronology of events. He was present on the scene of occurrence. Though there is no overt act of assault, according to learned APP, applicant has assisted in disposing off the dead body. Learned APP pointed out that 8th witness has already stepped into the witness box and his examination-in-chief is in progress.

5. After considering the above submissions and on going through the FIR, it appears that report is dated 13.08.2019. Informant Sudarshan Shingare has named Sukhdeo, Ganesh (present applicant), Subhash and three unknown persons for committing murder of his father Namdeo Shingare in the backdrop of some money transaction. In the FIR, applicant is named as accused no.2. Informant has

reported that on 12.08.2019 while he was proceeding towards his field, he saw motorcycle belonging to his father, carrying stains of blood, lying on the road and therefore, he alleged that, he got suspicious and called Ganesh and asked about him about his father. Informant claims that, when he asked about his father, Ganesh was found to be in terrified condition. Therefore, informant's suspicion grew. He summoned others and it is alleged that, Ganesh asked to see his father towards a mango tree. On going there, informant saw his father lying in pool of blood and two blood stained stones were lying near him. It is further informed that informant, Shrinivas and Bhairavnath questioned applicant and it was learnt that in the backdrop of money transaction, above incident had taken place. Allegations of making deceased fall are attributed to Sukhdeo, present applicant caught hold of both hands of Namdeo, Subhash and three others caught hold of his legs and Sukhdeo hit deceased with stones on head and face.

6. Therefore, *prima facie*, on above material, applicant is arrested. Whatever information informant gathered, is an alleged extra judicial confession of accused/applicant himself. He is behind bars since 2019 i.e. almost more than five years. Charge sheet shows that prosecution intends to examine as many as 40 witnesses. Learned APP made a

statement that as on today, evidence of 8th witness is in progress. Considering the total strength of witnesses proposed to be examined by prosecution as well as the pace of trial, much more time would be required for conclusion of trial. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 203 of 2019 registered at Dharur Police Station, District Beed, 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 enter the vicinity where informant and his family members reside, till conclusion of trial.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicant shall regularly attend each and every effective date before the trial court.
- III. Parties to act on an authenticated copy of this order.

[ABHAY S. WAGHWASE, J.]