



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

BAIL APPLICATION NO. 700 OF 2025

Ajay S/o Rajendra Mhaske.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Mr. Abhaykumar Dilip Ostwal, Advocate for Applicant.

Mr. S. B. Narwade, APP for Respondent / State.
...

CORAM : **SANJAY A. DESHMUKH, J.**

RESERVED ON : 08th September, 2025.

PRONOUNCED ON : 26th September, 2025.

ORDER:

1 Heard both the sides.

2 This application is filed for grant of regular bail in connection with Crime No.0615 of 2023, registered with Shirdi Police Station, District Ahmednagar, for the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short "the IPC").

3 The informant averred in the report that he is residing alongwith his wife and sons. He is a labourer. His daughter Savita

was married in the year 2013 with one Sunil Manik Battise, resident of Nashik and that out of the said wedlock, she begotten two children. When Savita was residing at Nashik with her husband and children, a love relationship was developed between Savita and the applicant. Therefore, his daughter Savita left her husband and children and went to reside with the applicant. The applicant wanted to marry with another woman. Therefore, he used to abuse, threaten and beat Savita.

4 The informant further averred that on 18th November, 2022, the applicant quarreled with Savita and told her that he wanted to perform marriage with another woman and that she should leave his house. The applicant abused and beaten her by kicks and fists blows and threatened to kill her. Therefore, she lodged a complaint against the applicant at Shirdi Police Station in respect of the said incident on 19th November, 2022.

5 The informant further averred that on 16th July, 2023, when he was at his house, his sister-in-law made a phone call to him and informed him that Savita has been murdered and that her dead body was kept at Shri Saibaba Hospital, Shirdi, Ahmednagar. Thereafter, the informant alongwith his family members went to the Police Station, where one Sanjay Bhopale was also present. At that

time, said Sanjay informed him that in the morning Savita was found lying in a pool of blood on the road at Bhopale Vasti. When said Sanjay made a phone call to the applicant, the applicant informed him that he had committed murder of Savita and had gone to the Police Station. Thereafter, the report was lodged.

6 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. Trial will take a long period. The applicant has no criminal antecedents. There is no *prima-facie* material against the applicant, as there is no eye-witness and the case is based on circumstantial evidence.

7 The learned counsel for the applicant further submitted that the charge-sheet has been filed. The applicant is behind bars since 2022. He prayed for granting regular bail on the ground of a delayed trial. For that purpose, he is relying upon the daily-sheet of the sessions case, awaiting incriminating articles / *Muddemal*. He prayed to allow the application.

8 The learned counsel for the applicant is relying on the following authorities:-

- a) In ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another, (2024) 9 Supreme Court Cases 813***, in which Honourable Supreme Court held that, there is violation of speedy trial and there is no probability of conclusion of trial and therefore, bail was granted.
- b) In ***Athar Parwez Vs. Union of India, 2024 SCC OnLine SC 3762***, in which Honourable Supreme Court held that, when trial is not likely to complete soon, the accuse has a right to bail.
- c) In ***Balwinder Singh Vs. State of Punjab and another, 2024 SCC OnLine SC 4354***, in which Honourable Supreme Court held that, inordinate delay for conclusion of trial infringe the right of speedy trial of accused under Article 21 of the Constitution of India.
- d) In ***Sanjay Chandra Vs. Central Bureau of Investigation, (2012) 1 Supreme Court Cases 40***, in which Honourable Supreme Court held that, documentary evidence is voluminous, trial is likely to take considerable time, the applicant has right to bail.
- e) In ***Manish Sisodia Vs. Directorate of Enforcement, 2024 SCC OnLine SC 1920***, in which Honourable Supreme Court held that, a long period of incarceration running for around 17 months and the trial even not having been commenced, applicant has right to speedy trial, bail granted.

- f) In ***Prem Prakash Vs. Union of India Through the Directorate of Enforcement, (2024) 9 Supreme Court Cases 787***, in which Honourable Supreme Court held that, bail is rule and jail is exception.
- g) In ***Babu Singh and others Vs. State of U.P., (1978) 1 Supreme Court Cases 579***, in which Honourable Supreme Court held that, judicial discretion is to be exercised while granting and refusing bail.

9 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime of murder of a woman, who believed him and left her husband and children. The applicant himself went to the police station after commission of murder of Savita. There is strong evidence against the applicant, particularly, the evidence of his conduct that after the incident he went to the police station and told that he committed a murder of Savita. Postmortem report shows that the cause of death is “death due to stab injuries”. The knife is seized at the instance of the applicant. His clothes having blood stains are also seized. The sandal having blood stains is also seized at the instance of the applicant. The applicant is involved in the serious crime of murder. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. It is prayed to reject the application.

10 Perused the charge-sheet, particularly, the report and the seizure *Panchanama*. It is fact that after commission of murder of Savita, the applicant himself went to the police station and told that he had committed a murder of Savita. In such fact situation, if the applicant is released on bail, certainly he will pressurize the prosecution witnesses and tamper with evidence.

11 As far as daily-sheet of the sessions case is concerned, specific directions can be given to the Trial Court to dispose of the case within six months. However, merely because there is delay caused for conducting the trial, considering the serious nature of the crime, the applicant cannot be released on bail. Nobody will dispute the ratio of above authorities (cited supra) on behalf of the applicant, however, facts in this case are different and the applicant is behind the bars for more than two years. Therefore, directions for expeditious hearing of trial is proper. Hence, the said case law are not relied upon. The application deserves to be rejected. The bail application is rejected with the following directions:-

- I) The Trial Court is directed to decide the case as expeditiously as possible, in any case within six months. Needless to mention that it is a sessions trial and word “sessions” means once it is started it shall not be stopped

until it is concluded.

- II) For that purpose, the Trial Court is expected to keep the date twice or thrice in a week and conclude the trial accordingly.
- III) The Trial Court is further directed not to grant adjournments if it is prayed on behalf of either the prosecution or the defence unless there is extreme urgency or reasonable ground. If the accused are not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving one opportunity to them to produce the accused i.e. under trial prisoners continuously. If it is not followed then the Trial Court may proceed against these authorities for not following the order of the legal authority of public servant as per the applicable provisions of Chapter X of the Indian Penal Code, 1860 i.e. Chapter XIII of the Bharatiya Nyaya Sanhita, 2023. If the advocates for accused or the public prosecutor are not cooperating with the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.

[SANJAY A. DESHMUKH, J.]