



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 BAIL APPLICATION NO. 763 OF 2025

Ajay Bhujang Pawar Alias Ramchandra Rangnath Gangurde

VERSUS

The State of Maharashtra

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Advocate for Applicant : Ms. Poonam Bodkhe Patil h/f Mr. P.C. Bhagure

APP for Respondents: Mr. K.K. Naik

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 15th SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 in connection with crime No. 259 of 2021 registered with Gondi police station, District Jalna, for the offences punishable under Sections 302, 307, 326, 143, 147, 148, 149 of the I.P.C. and under Section 4/25 of the Arms Act.

2. Learned advocate for the applicant pointed out the report in which it is averred that the applicant and co-accused persons assaulted Arjun Bhujang Pawar and caused serious injury to one of the witnesses. The role of the applicant is that he also assaulted the victim of the crime by a sword.

3. Learned advocate for the applicant submitted that bail

application No.1400 of 2024 was withdrawn on 10.10.2024 when this court expressed disinclination to grant bail to the applicant. However, by this application, the applicant is seeking bail on the ground of delay in concluding the trial. Considering the report that the applicant and co-accused Nos. 1 to 3 are not attending the trial, the trial will take a long period. Therefore, it is prayed to grant bail to the applicant on the ground of delayed trial.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime of murder. He is having three criminal antecedents of serious nature. The crime Nos. 133 of 2023, 504 of 2022 and 597 of 2022 are registered against the applicant. Learned A.P.P. submitted that considering the serious nature of crime, the trial can be expedited. However, the applicant is not entitled for bail because he has criminal antecedents and there is possibility of committing a similar nature of crime on his part. The applicant may also pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the statements of witnesses. The role of the applicant is spelled out from the report that he used a sword for commission of murder. The

applicant has committed serious crime. He has criminal antecedents. He will commit similar nature of crime if he is released on bail and pressurize the prosecution witnesses. The application is therefore, rejected.

6. As far as the expeditious hearing of the trial is concerned, the trial court can be directed to conclude the trial within six months. In the report dated 18.8.2025, the trial court has submitted that accused Nos. 1 to 3 are absent and NBWs are issued against them, but it is not executed and therefore, the trial could not be proceeded. Considering the report of the trial court and the other aspects, the trial can be expedited with direction to decide the same as early as possible and in any case within six months from today, with following directions:-

- I. The trial court shall proceed with the trial by issuing non bailable warrant against accused Nos. 1 to 3 with direction to the concerned police station to form a team of police officials for executing the non bailable warrant against accused Nos. 1 to 3. For that, the trial court is also directed to proceed against surety of the co-accused Nos. 1 to 3. After hearing, the trial court may keep them behind bars till the conclusion of the trial, if their presence cannot be secured for further trial. However, if any other crime is committed by them and if they are released on bail by this Court, the trial court may consider such crime while considering their application for bail. If any

condition is violated by them, the trial court may also proceed to recover the amount of P.R. bond from them after hearing the co-accused Nos. 1 to 3.

- II. The trial court is further directed to proceed further with the trial by listing the matter at least twice in a week by keeping in mind that it is a sessions trial and needless to mention that the sessions means once it is started it shall not be stopped. If any of the accused is not co-operating or advocate of either of the parties is not co-operating, the trial court may impose heavy costs and may cancel the bail if granted to any of the accused.
- III. In case the under trial prisoner is not produced, the trial court may proceed against the jail authorities as well as the executing party for not following the direction i.e. the contempt of lawful authority as per Chapter 10 of the Cr.P.C.
- IV. The trial court is directed to take recourse of law for concluding the trial within six months and shall not pray for extension of time. If the trial court fails to conclude the trial, the applicant is at liberty to file an application for bail before the trial court and the trial court shall decide it on merits. But, if the trial court finds that the accused is prolonging the trial without any justification, the court may consider those facts while deciding the application for bail.

(SANJAY A. DESHMUKH, J.)