



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

CRIMINAL BAIL APPLICATION NO. 1001 OF 2025

Dnyaneshwar s/o Ramdas Chaudhari

Versus

The State of Maharashtra

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Mr. N. S. Ghanekar, Advocate for the Applicant.

Mr. R. S. Wani, APP for Respondent/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 15th October, 2025.

P.C.:

1. Heard.

2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.76 of 2021, registered at Soygaon Police Station, District Aurangabad, for the offences punishable under Sections 302, 307, 341, 324, 504, 506 and 34 of the Indian Penal Code, 1860.

3. The learned advocate for the applicant pointed out the report in which it is averred that the applicant is arrested on the allegations that he committed the murder of informant's husband with sickle.

4. The learned advocate for the applicant submitted that unreasonable delay caused for trial and the grounds of arrest were not

communicated to the applicant and therefore, he is entitled for bail. In support of his submission, he is relying upon the case of ***Vihan Kumar Vs. The State of Haryana & Another, arising out of SLP (Crl.) 13320 of 2024, decided on 07.02.2025***, in which it is held that if the procedure under Section 50A of the Code of Criminal Procedure, requiring the communication of the reasons for arrest to the accused is not followed, the accused is entitled for bail. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicant has been involved in a serious crime of murder. The applicant's earlier bail applications were rejected and at that time he had not raised the ground that the reasons for his arrest were not communicated to him. Considering the role of the applicant that he is booked for serious crime of murder and therefore, he is not entitled for bail. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report and the arrest memo of the applicant. As far as the contention of learned advocate for the applicant is concerned that the grounds of arrest were not communicated to him. But from the arrest memo, particularly in column No.8, it is mentioned that the reasons for his arrest are communicated to him at the time of arrest on 18.07.2021 and he has not made any complaint regarding non-communication of the grounds of arrest since then. The applicant did not raise this ground

in his earlier bail application, despite being represented by an advocate from the date of his arrest.

7. The Hon'ble Supreme Court in ***The State of Karnataka Vs. Sri Darshan, reported in 2025 INSC 979***, held that bail shall not be granted on technical lapses unless the accused demonstrates prejudice caused by non-communication of the grounds of arrest. The applicant cannot take advantage of a mere technicality. This Court has to balance the rights of both the accused and the victims. Considering all these reasons and the issue as to whether the grounds of arrest are required to be communicated in writing or not is currently sub-judice before the Hon'ble Supreme Court, the applicant's application on this ground cannot be allowed. The applicant is involved in a serious crime and there is possibility that he may pressurize the prosecution witnesses and tamper with the evidence. No case is made out to grant bail to the applicant on the principle that bail is rule and jail is the exception. The Bail Application is rejected.

8. The learned Trial Court is directed to conclude the trial as expeditiously as possible and in any case within a period of six months from today in accordance with the directions issued by the Hon'ble Supreme Court in ***Tapas Kumar Palit v. State of Chhattisgarh*** (supra). However, it is clarified that if any sessions case has been expedited either by the Hon'ble Supreme Court or by this

Court, the Trial Court shall proceed with those cases first and thereafter conclude the trial in the present case. 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.

[SANJAY A. DESHMUKH, J.]

HRJadhav