



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

30 BAIL APPLICATION NO. 1013 OF 2025

Jagannath Sandipan Acharaya

VERSUS

The State Of Maharashtra

...

Mr. V. D. Salunke, Advocate for Applicant

Mr. N. B. Patil, APP for Respondent/State

Mr. Abhishek A. Aghav h/for Mr. M. S. Karad, Advocate for the informant

WITH

CRIMINAL APPLICATION NO. 2819 OF 2025

IN BA/1013/2025

Manohar Sahebrao Kale

VERSUS

Jagannath Sandipan Acharaya And Another

...

Mr. Abhishek A. Aghav h/for Mr. M. S. Karad, Advocate for the Applicant

Mr. V. D. Salunke, Advocate for respondent No.1

Mr. N. B. Patil, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

CRIMINAL APPLICATION NO. 2819 OF 2025

IN BA/1013/2025

1. This is an application for assist to prosecution.
2. The learned advocate for the applicant is permitted to assist the prosecution.
3. The application is disposed of.

BAIL APPLICATION NO. 1013 OF 2025

1. Heard.
2. This is an application for granting of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.216 of 2020, registered at Sirsala Police Station, District Beed, for the offences punishable under Sections, 302, 498(A), 201, 323, 504, 506 and 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.
3. The learned advocate for the applicant pointed out an order passed by the Trial Court in Sessions Case No.46 of 2020 dated 17.05.2025, by which the application filed by the applicant for grant of bail was rejected. It is submitted that the application for bail was filed as the charge against the applicant has been altered. He submitted that the order altering the charge passed by the Trial Court is challenged before this Court by filing a revision. He contended that the course adopted by the Trial Court is not legal and the order passed by the Trial Court, particularly paragraph No.5 thereof, is neither legal nor correct. It is submitted that the trial has been unnecessarily protracted on account of the prosecution and the applicant cannot be kept behind bars for the same. It is lastly prayed to allow the application by granting bail to the applicant.
4. The learned APP for the State relied upon the reasons recorded by the

Trial Court in the order rejecting bail, wherein it is observed that the prosecution is not intending to lead additional evidence after alteration of the charge, and hence, the bail application was rejected. He submitted that the trial is at its concluding stage, and if any argument remains, it can be heard after alteration of the charge, whereupon the case can be disposed of. It is lastly prayed to reject the application.

5. Perused the application and the grounds raised by the applicant before the Trial Court and this Court. In the order rejecting bail, the learned Trial Court held that the prosecution is not intending to lead additional evidence after alteration of the charge, that is the statement of learned APP arguing before the Trial Court. If this factual position of the trial is considered, now there is stage of allowing the applicant to lead any evidence on the point of alteration of charge and argument if any. The applicant is booked for serious charge of murder. He is under trial prisoner. Instead of proceeding with the trial bail cannot be granted on the ground that charge is altered and trial is delayed. Therefore, considering the fact situation of the case and the serious nature of the trial, the applicant cannot be released on bail. The application, therefore, stands rejected.

[SANJAY A. DESHMUKH, J.]

HRJadhav