



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 BAIL APPLICATION NO. 1109 OF 2025

Vikas Babruwan Alias Mahadev Kale

VERSUS

The State of Maharashtra And Another

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Advocate for Applicant : Mr. Shivprasad G. Jadhavar

APP for Respondents: Mr. P.P. Dawalkar

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 25th SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting regular bail on the ground of illness of the applicant's wife, as she is suffering from cancer, under section 483 Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with crime No. 93 of 2023 registered with Shiradhon police station, District Osmanabad, for the offences punishable under Sections 302, 364, 324, 323, 504, 506, 143, 147, 148 and 149 of the I.P.C.

2. The informant averred in the report that the applicant alongwith other co-accused on 8.6.2023 at about 6.00 p.m. came to her house in a Scorpio vehicle and other two persons alongwith arms, came in another four wheeler vehicle. The husband of the informant was sitting on earthen platform in front of the house and they said to pick

up her husband and put him in their vehicle, as they will commit his murder. When they were picking up her husband, he ran inside the house. The informant tried to close the door after taking her husband inside, but the applicant and the other co-accused forcefully kicked the door. As a result, the door broke and fell on the informant's forehead, causing injury. The informant sustained bleeding injuries on her forehead. Her finger was found in between the door. 4 to 5 persons entered in the house. They picked up her husband. They assaulted him by stones on his head, chest, leg etc. The informant's brother Sardar, and her mother Laulabai, brother's wife Sonabai went to rescue the husband of the informant but the applicant and other co-accused beaten them by fist and kick blows as well as by stones. The applicant and the other accused forcibly picked up her husband, put him into a Scorpio vehicle, and fled from the spot. The informant went to lodge the report at the police station and on the second day the police found her husband lying dead near Mangrul Pati. The report was lodged and the applicant was arrested.

3. Learned counsel for the applicant submitted that the applicant's wife is a cancer patient, and there is no one else in the family to look after her. Learned advocate for the applicant further submitted that similarly situated persons i.e. co-accused are released on bail. It is lastly prayed to allow the application on the ground of

illness of the applicant's wife by granting bail to him for four weeks.

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. If he is released on bail, he may certainly pressurize the prosecution witnesses and tamper with the evidence. Though the co-accused are released on bail, the applicant is the prime accused, who has committed murder of the informant's husband by picking up him in presence of the eye witnesses and thereafter, he was found dead. Considering the serious nature of crime, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the statements of witnesses. Only one document, namely the *Sthanantaran Namuna* of the applicant's wife from the cancer hospital, has been filed on record. It is not pointed out as to what type of treatment is given to the wife of the applicant. The applicant is prima accused and at his instance, the incident of murder of husband of the informant took place. The informant and other family members are also there and in such salutation if the applicant is released on bail, certainly he will pressurize the prosecution witnesses and tamper with the evidence. The trial has been started. Witness summons are also issued to the witnesses. The trial will not take long

period. Considering all these aspects, the application deserves to be rejected, as the case is not made out for grant of bail on the principle that bail is rule and jail is exception. Hence, the following order.

O R D E R

I. Application is rejected.

6. Considering the nature of the case, it would be proper to direct the trial court to conclude the trial as early as possible and in any case within a period of one year from today, with following directions:-

- I. It is a sessions case and it has to be decided in its literal sense that Session means once it is started it shall not be stopped. The trial court therefore, to proceed with the trial as expeditiously as possible and preferably within the aforesaid. It is clarified that if any other sessions case is expedited by the Hon'ble Supreme Court or by this court, the priority shall be given to those cases, if any, and thereafter, the sessions case, arising out of the present crime, shall be taken up for disposal.
- II. For that purpose, the Trial Court is expected to keep the matter twice or thrice in a week and conclude the trial accordingly as directed above.
- 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 authorities and escort party and warn them by passing an order, by giving them an opportunity to produce the accused i.e. under trial prisoners continuously. If it is not followed, then the Trial Court may proceed against those 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 Bhartiya Nyaya Sanhita, 2023. If the advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial expeditiously, the Trial Court may impose heavy costs on the concerned accused.

(SANJAY A. DESHMUKH, J.)

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