



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

916 BAIL APPLICATION NO.794 OF 2025

**SUKHDEO @ BABAN PRABHAKAR FUNNE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr.R.G.Hange
APP for Respondent-State : Mr.D.J.Patil
Advocate for Assist to P.P. : Mr.C.A.Shingare

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**WITH
CRIMINAL APPLICATION NO. 2249 OF 2025
IN BA/794/2025**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.07.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No. 2249 of 2025 for assisting to the P.P., the same is allowed. Criminal Application is disposed of accordingly.

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for assist to P.P.

3] The applicant is seeking bail as he is arrested on 13.08.2019 in connection with Crime No. 203 of 2019, registered at Dharur Police Station, Taluka Dharur, District Beed, for the offence punishable under Section 302, 143, 147, 148, 149, 506, 201 of the IPC.

4] The case against the present applicant is that he has assaulted the deceased by means of big stone on his face and mouth with an intention to kill him and deceased succumbed to injuries. As such, the FIR is lodged against the present applicant.

5] The learned counsel for the applicant submits that this Court, by order dated 09.04.2025 in Bail Application No.421 of 2025, has granted bail in favour of co-accused, namely, Ganesh Shivaji Ghodke on the ground of delayed trial. He further submits that 41 witnesses has been cited by the prosecution. Out of 41 witnesses, 7 witnesses examined by the prosecution and examination of 8th witness is in process and till today there is no progress in the trial. The learned counsel for the applicant relies upon the order dated 09.09.2024 passed by the Hon'ble Supreme Court in the case of Balwinder Singh Vs. State of Punjab & another in Petition (s) for Special Leave to Appeal (Crl.) No.8523 of 2024 wherein the Hon'ble Supreme Court had granted bail in favour of the accused on the ground of delayed trial and in the said case, the accused was in jail for

4 years. He further submits that in the instant case, the applicant is in jail for last 6 years and there are no antecedents against the present applicant. He further submits that this Court, by order 9th July, 2025, called report from the trial Court as regards status of trial. Thereafter, the trial Court has submitted its report and it is stated in the said report that cross examination of PW-8 was recorded to the extent of accused no.1 and as per Exh.86, the matter is adjourned for further cross examination. Now the matter is at the stage of recording of evidence. 41 witnesses have been cited by the prosecution. 27 muddemal property has been seized. It is further observed in the report that presently only one Court of Additional Sessions Judge is working at Kaij and so many cases of under trial prisoners are pending before the Court. It is further stated in the report that minimum 6 months time may require for disposal of the case.

6] Considering that there is no possibility of the conclusion of trial in near future and that the applicant is in jail for last 6 years, bail is granted in favour of the applicant on the condition that the applicant would not enter into Beed District except on the date of the trial and one day prior thereto. In view of the same, the application is allowed in the following terms :

a] The applicant shall be released on bail in

connection with Crime No. 203 of 2019, registered at Dharur Police Station, Taluka Dharur, District Beed, for the offence punishable under Section 302, 143, 147, 148, 149, 506, 201 of the IPC, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant

shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC