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

927 CRIMINAL APPEAL NO. 459 OF 2025

Ajinkya @ Bandry Shriniwas Wasare,
Age: 29 years, Occ. Labour,
R/o. Coil Nagar, Latur,
Tq. & Dist. Latur

....APPELLANT

VERSUS

1. The State Of Maharashtra,
Through Police Station Officer,
Shivaji Nagar Police Station,
Dist. Latur

2. Limbaraj Maroti Ransule,
Age: 35 years, Occu: Labour,
R/o. Khopegaon,
Tq. & Dist. Latur

....RESPONDENTS

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Mr Nilesh N. Bhagwat, Advocate for Appellant
Mr D. B. Bhange, APP for Respondent No.1/State
Ms Priyanka Jadhav, Advocate (appointed) for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 10 OCTOBER 2025

ORDER :

1. By this criminal appeal, the appellant prays for quashing and setting aside the order dated 23/04/2025, passed below Exhibit 27 in Special Case No.124/2024 by the learned Additional Sessions Judge, Latur, whereby his application for grant of regular bail in

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connection with C.R. No.332/2024 registered on 11/08/2024 with Shivaji Police Station, Latur, Dist. Latur for offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was rejected. He also prays for releasing him on regular bail in the said crime.

2. The First Information Report filed on 11/08/2024 by complainant/respondent No.2 Limbaraj Maroti Ransule, stating therein that his younger brother, namely, Sukhdeo Maroti Ransule, aged about 27 years, was staying in Coil Nagar, Latur and was working in Mini Market. On 11/08/2024, at about 3:30 a.m., his cousin brother Avinash Shrimant Ransule called him and informed him that Sukhdeo is lying on the road in injured condition. Accordingly, he reached at Latur at 7:00 a.m. at Government Hospital, Latur. Doctors of the Government Hospital informed him that Sukhdeo is already expired. On the basis of information received from the nearby public, the present applicant is alleged to have murdered Sukhdeo by using stone. Accordingly, complainant lodged the report against the appellant.

3. On the basis of aforesaid report, the investigation set into motion. The Investigating Officer recorded spot panchnama on

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11/08/2024 and seized stone weighing about 20 kgms. and incriminating material from the spot. Clothes of the accused also came to be seized. The spot is located on cement road at Coil Nagar, Latur in front of Ajinkyatara Boys Hostel. Body of the deceased was referred for post mortem. As per the post mortem report, 9 injuries were on the body of the deceased and the death was due to head injury. The appellant/accused came to be arrested on the same day i.e. on 11/08/2024. The Investigating Officer also recorded statements of various witnesses. After investigation is complete, the Investigating Officer accordingly filed charge-sheet

4. Learned Advocate for the appellant submits that since the incident is of 2024 and till date, no progress took place in trial, the appellant has approached this Court with a request to release him on regular bail. He further submits that there is no direct evidence against the appellant/accused in this crime and the evidence available is in the form of hearsay evidence. There is no strong material available against accused so as to hold him guilty for this offence. There are no eye witnesses of the incident. He, therefore, submits that the appellant is not guilty of this crime and he is falsely implicated in this crime. He, therefore, prays for allowing the appeal by granting of regular bail to the appellant.

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5. Per contra, learned APP for respondent No.1/State as well as learned Advocate for respondent No.2/ informant strongly opposed the appeal. They both supports the order of the learned Sessions Court. Learned APP submits that the appellant is involved in a serious crime of murder. Stone of 20 kgms. was seized from the spot. He further submits that if the appellant is released on bail, he will flee and will not be available for trial. He, therefore, prayed for dismissal of the appeal.

6. Learned appointed Advocate for respondent No.2 also supports the submissions of the learned APP and submits that due to alleged assault by the appellant, the deceased has lost his life. She further submits that there is sufficient material which shows involvement of the appellant in the alleged crime. As such, she also prays for dismissal of the present appeal.

7. Heard learned Advocate for the appellant, learned APP for respondent No.1/State and learned Advocate (appointed) for respondent No.2. With their assistance, I have perused the material available on record. Prima facie, there appears no direct evidence on record of assault on the deceased by the appellant. The investigation is over. There are no direct eye witnesses in this crime.

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8. Though learned APP for the respondent/State and learned Advocate for respondent No.2 strongly opposed grant of bail, however, it appears that there is no possibility that trial shall be concluded in few months. The accused is to be considered innocent unless and until he is proved guilty by the Court of law. Prima facie there is no strong evidence available on record warranting conviction of the appellant. There is no progress in the trial. On this sole ground of delay in trial, the instant appeal for grant of regular bail needs to be allowed. However, apprehension of the learned APP and learned counsel for respondent No.2 can be taken into consideration while releasing the appellant on bail by putting strict conditions on the appellant. Since the appellant is in jail 2024 and there is no likelihood of conclusion of trial in near future, the appellant deserves to be granted bail. Hence, I pass the following order :-

ORDER

- (I) The present criminal appeal is allowed.
- (II) The order dated 23/04/2025, passed below Exhibit 27 in Special Case No.124/2024 by the learned Additional Sessions Judge, Latur, Dist. Latur, is hereby quashed and set aside.

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(III) Appellant Ajinkya @ Bandry Shriniwas Wasare shall be released on bail in connection with C.R. No.332/2024, registered on 11/08/2024 with Shivaji Nagar Police Station, Latur, Dist. Latur for offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing PR bond of Rs.25,000/- with one solvent surety/security in the like amount.

(IV) Appellant shall not influence or contact with any witnesses or informant and not to interfere with the evidence of the prosecution.

(V) Appellant shall cooperate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

(VI) Appellant shall place on record of the trial Court the details of his contract number and residential address with updates in case of any change.

(VII) Appellant shall attend the concerned police station and report to Police Station Officer or his subordinate officer in every week i.e. on every Monday at 11:00 a.m. till the conclusion of trial.

(VIII) Appellant shall not commit any crime during his bail period.

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9. It is made clear that, in case of violation of any of the aforesaid conditions, the bail granted to the appellant shall be liable to be cancelled.

10. Since learned Advocate for respondent No.2 is appointed through High Court Legal Aid Services, Sub Committee, Aurangabad, her fees shall be calculated and paid to him as per rules.

11. It is also clarified that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this appeal.

[SUSHIL M. GHODESWAR, J.]

sjk