



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

929 BAIL APPLICATION NO. 1518 OF 2025

SAGAR UTTAM BHINGARDIVE

VERSUS

THE STATE OF MAHARASHTRA

...

WITH

CRIMINAL APPLICATION NO. 3108 OF 2025

IN BA/1518/2025

...

WITH

CRIMINAL APPLICATION NO.3228 OF 2025

IN BA/1518/2025

...

Advocate for Applicant : Ms. Sunita G. Sonawane

APP for Respondent / State: Mr. D. J. Patil

Advocate for Assist to PP: Mr. N. B. Narwade

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 14.08.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the assist to public prosecutor.

2] The applicant is seeking bail as he was arrested on 03.12.2020 in connection with Crime No.0478/2020, dated 01.12.2020, registered with Supa Police Station, District Ahilyanagar, for the offences punishable under Sections 302, 120(B) read with 34 of the Indian Penal Code, 1860.

3] Earlier Bail Application No.86 of 2025 was filed by the applicant seeking bail on the medical grounds as his wife is suffering from medical condition. By an interim order dated 18.06.2025, the applicant was granted interim bail so as to enable him to make arrangements for medical treatment of his wife for a period of 4 weeks.

Thereafter, another interim application filed bearing no.2579 of 2025 in Bail Application No.86/2025 for extension of interim bail period. However, the applicant's interim bail was not extended and this court by order dated 15.07.2025 directed the applicant to surrender on 21.07.2025.

Thereafter, the applicant approached the Hon'ble Apex Court challenging the order dated 15.07.2025, passed in Criminal Application No.2579 of 2025 in Bail Application No.86/2025. The Hon'ble Apex Court by order dated 25.07.2025 extended the interim bail and granted time to surrender till 15.08.2025.

On 28.07.2025, the matter was listed before this court, however, could not be taken up for hearing. Subsequently, when the matter was listed, on 05.08.2025, the learned counsel for the applicant sought leave of this court to withdraw the Bail Application No.86 of 2025 and Criminal Application No.2579 of 2025 and the same were dismissed as withdrawn.

4] The applicant, also, in the meanwhile, filed Bail

Application No.1518 of 2025 on the ground of delay in trial and on merits.

The applicant has also filed interim application No.3108 of 2025, seeking extension of temporary bail till the disposal of the bail application no.1518 of 2025. However, it is noticed that the Bail Application Mo.86 of 2025 filed on the ground of health issues of the applicant's wife was dismissed as withdrawn on 05.08.2025, as such, there is no pending bail application before this court on the ground of health of the applicant's wife.

5] The present bail application pertains on the ground of delay in trial and, also, on merits. However, considering that the Bail Application No.86/2025 was withdrawn by the applicant and that the Supreme Court has granted time to surrender till 15.08.2025, this court listed the present bail application for consideration today.

6] The matter is taken up for hearing on the ground of delayed trial and, also, on merits. The learned counsel for the applicant has relied upon the 3 orders passed by this court. First order is dated 11.01.2023, wherein this court has observed that the trial is allotted to the Fast Track Court and that the request was made to expedite the trial and bail application was disposed of. It is further observed in the said order that if there is no material progress in the trial within 6 months, the applicant is at

liberty to file bail application and the Bail Application No.1681 of 2022 was disposed of.

Thereafter, another bail application was filed bearing Bail Application No.1836 of 2023, wherein this court by order dated 30.11.2023 directed the trial court to conduct the trial on day to day basis and the application was disposed of. This court observed that accused is behind the bars for last 3 years. Thereafter, the co-accused filed Bail Application No.2036 of 2023 and this court by order dated 23.01.2024 directed the trial court to conduct the case on day to day basis and conclude the recording of evidence for all witnesses by end of April 2024 and that the further trial should be concluded before month. It is observed that in the event the trial court does not conclude the trial within time limit then the applicant would have the right to move this court for bail on the ground of delay and right to speedy trial.

The learned counsel for the applicant submits that in all there are 49 witnesses of which 29 are examined. The applicant is arrested on 03.12.2020. The applicant is not directly involved in the assault. She submits that the applicant is stated to have been one of the conspirators in the crime and the applicant is behind the bars for 5 years and she also submits that on the ground of delayed trial and also that in the near future the trial may not conclude, bail may be granted to the applicant. The applicant has also made submissions on merits.

7] Per contra, the learned counsel appearing for the assist to public prosecutor and the learned APP submit that the in all 49 witnesses would be examined by the prosecution out of which 29 are already examined and 20 remains to be examined. They further submit that when the applicant was on interim bail on medical grounds the applicant has misused the liberty and that he has taken rally i.e. in front of the jail people had gathered to welcome the applicant and that the applicant was received by large number of people. As such, in the event, the applicant is granted bail there would be pressure exerted on the witnesses and in this regard crime is also registered under the provisions of the Maharashtra Police Act for conducting the rally without permission.

The learned counsel for the assist to public prosecutor has also on the merits of the case pointed out the case of the prosecution as noted in paragraph no.7 of the trial court order dated 04.03.2022, as under:

“7. Here it is the prosecution case that there were relations in between accused no.6 Bal Bothe and deceased Rekha Jare. On account of said relationship, there was bitter dispute between them. Accused no.6 Bal Bothe used to give threats to the deceased in order to kill her. So he contacted accused no.5 Sagar Bhingardive (the applicant herein). Accused Sagar Bhingardive contacted accused no.2 Aditya Cholake who hired accused no.1 Dnyaneshwar @ Gundya Shinde, no.3 Firoj Sahikh and no.4 Rushikesh Tamya Pawar to commit murder of Rekha Jare. Accordingly, on 30.11.2020, deceased Rekha Jare was returning from Pune to Ahmednagar by car. Accused nos.1 and 3 were waiting her at Jategaon Ghat. Accused no.6

was taking location of deceased and was passing it to accused no.5 who was passing it to accused no.2 and then to accused nos.1 and 3. When the car reached Jategaon Ghat, accused nos.1 & 3 slightly brushed the car by their motorcycle and raised quarrel, and thereby, slit the throat of Rekha Jare who succumbed to injuries.”

8] In the instant case, the learned APP and the learned counsel for the assist to public prosecutor points out that the applicant's role is that the main accused Bal Bothe has given him money in view of his disputes with the deceased - Rekha Jare and the applicant hired people to eliminate Rekha Jare. The co-accused persons killed the deceased. The CDR report clearly indicates that there were communications between the Bal Bothe and the present applicant. So also, the CDR report shows conversation between the applicant and the other accused, who are involved in the assault.

9] The evidence that is available in terms of the CDR report and also in CCTV footage shows that accused no.1 is seen carrying bag with money. The same bag with money is seen with the present applicant. Money is recovered at the instance of the present applicant of about Rs.6,00,000/- from the applicant's own house. As such, the learned APP submits that there is evidence available against the applicant that he is the conspirator.

10] In response thereto, the learned counsel for the

applicant submits that the conspiracy is easy to allege but difficult to establish. The allegations are based on suspicion, that the applicant's conversation with the co-accused is with reference to killing of Rekha Jare. She submits that the applicant is completely third person and that there were some dispute between Bal Bothe and the deceased. The applicant has communicated with Bal Bothe in regular course as they know each other for a long period of time. She submits that the evidence, as such, would give rise to a suspicion but would not be sufficient to convict the applicant under Section 302 IPC. In any event, she submits that the applicant is behind the bars for 5 years and that the allegations against the applicant relates to the conspiracy and not assault against the deceased.

11] The learned counsel for the assist to public prosecutor and the learned APP also point out the order dated 24.10.2024, that, in the application of Bal Bothe similar prayer was made of a long incarceration and delayed trial, however, the same has been rejected by this court on 24.10.2024.

12] Considering the nature of evidence that is available as against the applicant and, also, considering the nature of the allegations against the applicant that he is the conspirator and conspiracy being easy to allege and difficult to establish and the evidence as is available in the form of

the CDR report and recovery of money and that the offence will have to be established and decided in trial and that the applicant is behind the bars for 5 years, as such, bail can be granted to the applicant.

13] The applicant undertakes to attend each and every date of the trial. Failure to attend 2 consecutive dates without prior permission would entail the trial court to seek recall of the bail granted by this court.

14] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0478/2020, dated 01.12.2020, registered with Supa Police Station, District Ahilyanagar, for the offences punishable under Sections 302, 120(B) read with 34 of the Indian Penal Code, 1860, 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 shall not enter the jurisdiction of Ahmednagar District, during pendency of the trial, except the trial court date and one day before that date.

c] The applicant shall not participate in any rally.

d] The applicant shall not influence or make contact / communicate with any witnesses and not to interfere with the evidence of the prosecution.

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

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

g] 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.

h] 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.

15] 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.

16] 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.

17] The application stands disposed of.

18] All pending applications also stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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