



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1556 OF 2025

Ramesh S/o. Madan Rawat
VERSUS
The State of Maharashtra

...

Advocate for Applicant : Mr. Prathmesh M. Borde h/f Mr. S.S.
Chapalgaonkar

APP for Respondent/State : Mr. S.M. Ganachari

...

CORAM : MEHROZ K. PATHAN, J.

DATE : NOVEMBER 13, 2025

PER COURT:

1. The applicant has filed present application thereby praying for bail in Crime No.45/2022 registered with Shirdi Police Station, Tq. Rahata, District Ahmednagar for the offence punishable under Section 302 of the Indian Penal Code.

2. The prosecution story is that on 11.02.2022 when the informant was on his duty, they received a phone call in Police Station on Dial 112 i.e, emergency number with information that one accident had occurred of one 45 year old person who suffered head injury and they need help. Thereafter, on receiving the said message, Police Constable namely Autade and Gambhire reached the said spot and informed the informant that the said person have suffered some facial and head injury and later on the informant also reached the said spot and saw that one dead body was lying at roadside near Savlivihir Phata, Savlivihir and it

had suffered head and facial injuries. It is further alleged that, initially case of A.D bearing Reg. No.13/2022 was registered on information of Police Constable Gambhire and investigation was initiated. It is further alleged that, at the same time the present applicant visited Police Station and informed them that at night about 1 a.m. he along with the deceased were on their way to Indore and when they halted near Shirdi, 4 to 5 unknown persons robbed them and assaulted the deceased and as the present applicant got frightened ran away from the spot and today he had come to lodge said Complaint at Police Station.

Also in meantime, the body of the deceased was sent for Post Mortem and accordingly the Inquest Panchanama was made in presence of the panchas and the injuries as alleged in FIR were seen on the deceased and also during the Panchanama, the Police persons found Aadhaar Card of the deceased with him and then it was confirmed that the deceased was colleague of the present applicant. It is further alleged that, after the post mortem was conducted at Rural Hospital, Rahata, the cause of death was shown as "death due to head injury".

3. Learned counsel for the applicant submits that the investigation is not properly conducted and that there is no evidence collected, so as to bring home the guilt of the present applicant in committing murder of deceased Ramsing Kanoje. The investigation is already completed. The weapon is seized. The charge sheet is filed. Therefore, further detention of the accused may not be necessary. It is

further contended that the accused is in arrest since about three years and yet no likelihood of trial getting completed. Therefore, the accused may be released on bail. The applicant is a driver and undertakes to abide by all the conditions that may be imposed by this Court and would attend the trial scrupulously without fleeing away from the ends of justice. The applicant, therefore, prays for grant of bail. The counsel therefore submits that on account of delay in trial also, the applicant is entitled for getting released on bail.

4. As against this, the learned APP vehemently opposes the application on the count that the applicant has committed the murder of his companion, who was also the driver on the said vehicle employed earlier by the employer. The statement of one of the witness Vesta Dawar i.e. employer and owner of the truck bearing No.MP09-HH-9264 has specifically stated about the phone call made by the deceased to the said witness Vesta Dawar in the intervening night of the incident informing about the applicant being in drunken state and was rashly driving the vehicle. Therefore, there is every evidence to connect the applicant with the said crime. The applicant does not deserve to be released on bail, even on the ground of delay in conducting the trial.

5. I have gone through the entire charge sheet and the roznamas attached to the present application. Perusal of the evidence collected by the prosecution would show that the spot of occurrence is the truck driver's cabin and the applicant has falsely reported the incident

to the police station that 4 to 5 thieves have assaulted the victim after he dropped from the vehicle to answer the nature's call. The information was thereafter verified. However, the police officers who had visited the spot found the evidence otherwise, as there was evidence to show involvement of the present applicant with the said crime. The applicant was therefore arrested on suspicion and the applicant had led to the discovery of weapon of assault i.e. wheel-spanner from the custody of the accused and also blood stained clothes of the accused. The applicant after committing murder of the deceased also threw away the dead body near Savili-Vihir and cooked up a false story about 4-5 thieves assaulting the victim. Thus, there is ample evidence collected by the prosecution to bring home the guilt in commission of murder of deceased Ramsing Kanoje. Perusal of the statement of the witness Vesta Dawar, who is owner of the vehicle in the cabin of which the dead body was found bearing Registration No.MP09-HH-9264 also states in his statement under Section 161 of Cr.PC. that, the deceased Ramsing Kanoje and the present applicant was travelling together on the date of incident i.e. 07.02.2022 from Indore to Sangli and while coming back, the deceased Ramsing Kanoje called the witness informing that Ramesh Rawat i.e. the present applicant is fully drunk and driving the vehicle rashly. Upon which, the witness has informed the deceased to ask him to stop the vehicle at a restaurant and leave in the morning. However, afterwards the witness went to bed. In the morning, he got up and was calling up

Ramesh, but the call was not received. The informant thereafter got information about the victim being put to death by the applicant. Thus, the involvement of the applicant is established by credible evidence collected by the prosecution, which shall be put to trial.

6. In so far as the submission on the point of delay in conclusion of trial is concerned, the Apex Court in the judgment reported in the matter of **Kalyan Sarkar Vs. State of West Bengal, (2004) 7 SCC 528** was pleased to hold that delay in trial is not an absolute rule and gravity of offence will always have to be considered while releasing the applicant on bail

7. In the matter of **Gurwinder Singh Vs. State of Punjab and Ors, AIR 2024 SC (952)**, the Apex Court in para 32 has observed thus :

“32.... Therefore, mere delay in trial pertaining to grave offence as one involved in the instant case cannot be used as a ground to grant bail. Hence, the aforesaid argument on behalf of the appellant cannot be accepted.”

8. In that view thereof, I am also not inclined to grant the discretionary relief to the applicant. The applicant has failed to show that the applicant is not responsible for delay in concluding the trial. The roznama attached to the applicant also shows that the applicant's counsel is also absent on various occasions. No case is made out for interference of this Court for grant of regular bail, even on account of delay in trial.

9. The application is hereby rejected. However, the applicant is granted liberty to renew his request afresh before this Court after a

period of six months, if there is no substantial progress in the trial.

10. The application is disposed off.

(MEHROZ K. PATHAN, J.)