



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

BAIL APPLICATION NO. 1746 OF 2024

Balu @ Balusingh Amar Singh Tak
Age: 28 years, Occ.: Labour,
R/o.Tirthpuri, Tq.Ghansawangi,
Dist.Jalna.

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr.C.C.Deshpande a/w. Mr.Sultan S.
Khoriwale a/w. Mr.Pradeep Honde Patil
h/f. Mr. Govind M. Sharma
APP for Respondent: Mr.V.M.Chate

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 10 FEBRUARY, 2025

ORDER :

1. Present applicant is for grant of regular bail on account of arrest of applicant in crime no.0589 of 2022 registered with Vivekanand Chowk Police Station, Dist.Latur for offence under Sections 395, 397, 120-B of the Indian Penal Code and under Sections 4, 25 of the Indian Arms Act.

2. Pointing to the date of arrest as 21-10-2022, learned counsel for the applicant submitted that FIR is of 12-10-2022. That, FIR is against unknown persons. That, there is delay in reporting. That, moreover, no TI parade has been conducted. Learned counsel

submitted that applicant is behind bars since 22-10-2022. That, case is shown to be committed in February 2023, but there is no progress and hence, for above reasons, as it amounts to long pre-trial incarceration, he seeks relief of bail.

3. While opposing the above application, learned APP pointed out that though FIR is against unknown persons, during investigation, involvement of present applicant was established. That, there is recovery of both cash as well as ornaments at his instance. Therefore, this confirms his involvement. As regards long incarceration is concerned, learned APP pointed out that applicant himself is responsible as he and co-accused are filing applications for discharge and not working out the matter. For all above reasons, he opposed bail application.

4. After considering the above submissions and on going through the papers, it emerges that FIR is lodged at Vivekanand Chowk Police Station, Dist.Latur against unknown persons and after investigation, nine persons including present applicant were found to be involved in this offence. FIR is filed on 12-10-2022. As pointed out, FIR is against unknown persons. Applicant is said to be arrested on 21-10-2022. Papers show that chargesheet is tendered on

18-01-2023 itself. Therefore, more than two years have lapsed. On one hand, learned counsel for applicant submits that there is no progress in the trial since committal, whereas learned APP objects on the ground that discharge applications are moved by various accused resulting into delay. Therefore, without going into such controversy and as chargesheet is of 18-01-2023 i.e. of two years back and also taking into account that FIR to be against unknown persons and there is subsequent arrest, and more particularly, when there are no immediate prospects of matter going for trial, applicant succeeds. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Balu @ Balusingh Amar Singh Tak be released on bail in connection with Crime no.0589 of 2022 registered with Vivekanand Chowk Police Station, Dist.Latur on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave jurisdiction of Vivekanand Chowk Police Station, Dist.Latur, without prior permission of the Court, till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE