



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

BAIL APPLICATION NO. 1889 OF 2024

Santosh Madhavrao More
Age: 36 yrs., Occu.: Labour,
R/o. Plot No.98, Chhatrapatinagar,
Chhatrapati Sambhajnagar.

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr.Satej S. Jadhav
APP for Respondent : Mr.VM.Chate

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 APRIL, 2025

PRONOUNCED ON : 28 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.27 of 2016 registered at Gangapur Police Station, District Aurangabad, for offence under Sections 364, 120(B), 302, 201 read with 34 of the Indian Penal Code (IPC) and Section 3, 25 of the Arms Act.

2. It is pointed out that applicant is arrested in above crime on 20-01-2016 and is behind bars since more than nine years. That, investigation is over and chargesheet is already filed on 16-04-2016

itself. That, inspite of directions issued by the Hon'ble Apex Court to conclude the trial expeditiously and preferably within three months vide order dated 07-05-2024, the said directions are not complied. That, there are no chances of trial coming to an end. He further pointed out that, moreover, due to creation of new Sessions Court at Gangapur, the matter would be transferred from Vaijapur and this would further contribute to delay. Therefore, on the sole ground of long incarceration, learned counsel urges for grant of bail.

3. Learned APP has opposed application on the ground that serious offence of abduction and murder after hatching conspiracy is committed. That, there is use of deadly weapons. That, brutal murder by beheading is committed and it is further submitted that there are other accused, but they are seeking exemption and therefore, learned trial Court is required to issue bailable warrant. That, evidence has remained part heard, therefore, prosecution cannot be blamed and hence, in view of report issued by the learned trial Court, learned APP prays to reject the application.

4. Heard. Perused the papers. As pointed out, applicant is shown to be arrested on 20-01-2016 and chargesheet is already filed

in April, 2016. Various applications for bail were said to be preferred before this Court as well as before the Hon'ble Apex Court. It appears that the Hon'ble Apex Court vide its order dated 16-01-2025, had granted extension of time of three months to conclude the trial i.e. upto 15-04-2025. Copy of the said order is also placed on record. Precisely, this order is now relied and taken recourse to and it is submitted that trial is not progressing. Considering the date of arrest, apparently nine years have lapsed. Report of the learned Sessions Judge, who is seized with the matter, was called and vide report dated 15-01-2025, it was informed to this Court that matter will be disposed of in accordance with law as soon as the remaining prosecution witnesses are examined.

5. On previous date i.e. on 12-02-2025, holding that if time granted by the Hon'ble Apex Court is not adhered to by the learned trial Judge, applicant is at liberty to press this application. Consequently, present application has been pressed. As stated above, applicant is behind bars since nine years. Though there are circumstances due to which, learned trial Judge is unable to meet the timeline even stipulated time to time by the Hon'ble Apex Court, period of nine years incarceration apparently amounts to long pre-

trial incarceration. Therefore, without going into merits, only on said ground, applicant deserves to be enlarged on bail by imposing strict conditions. Hence, following order is passed :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant be released on bail in connection with Crime no.27 of 2016 registered at Gangapur Police Station, District Aurangabad, on executing Personal Bond of Rs.50,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (vi) Applicant shall not enter vicinity where informant, his family and near and dear ones reside, till conclusion of trial.
- (v) Applicant shall not leave the jurisdiction of concerned Police Station, till conclusion of trial, except for attending Court dates.
- (vi) Applicant shall attend concerned Police Station, once in a week i.e. on every Wednesday, till conclusion of trial and shall also attend each and every effective date before the trial Court.

(ABHAY S. WAGHWASE)

JUDGE

SPT