



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1891 OF 2024

Shivanand @ Sachin Sahebrao Puyad,
Age : 23 years, Occu. : Agri.,
R/o. Wadi-Puyad, Tq. & Dist. Nanded. ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satej S. Jadhav, Advocate for Applicant
Mr. V. M. Chate, APP for Respondent – State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 APRIL 2025

PRONOUNCED ON : 08 APRIL 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No.0054 of 2021 registered at Barad Police Station, District Nanded for offence punishable under sections 302, 364, 120-B r/w section 34 of Indian Penal Code and under sections 3, 4/25 and 7/25 of the Arms Act.

2. Learned counsel pointed out that, present application is successive application. That, this court had rejected earlier application by order dated 09.01.2024 which was heard on merits. He clarified that, present application is on the sole ground of long pre-trial incarceration as according to him, applicant is arrested on 18.06.2021 i.e. almost four years back. He pointed out that, charge

sheet is already filed in August 2021, but trial has not yet commenced and consequently precisely on such sole ground bail application has been pressed into service. He pointed out that this court had called report from learned trial Judge to ascertain as to how much time learned trial court would require to commence or conclude the trial and therefore he urges to consider the report.

3. Learned APP opposed on the ground that, first application was withdrawn in 2023. Second Application was rejected on merits by this court in 2024 and therefore according to him, present application is third application. After going through the report received from trial Judge, he submitted that, prosecution is not to be blamed for as it is evident from the report that accused/applicants are preferring discharge applications which are required to be heard, dealt and decided by trial court. According to him, precisely for above reasons, there is delay in commencement of trial.

4. Heard. Perused the papers. FIR as pointed out is of 17.05.2021 for commission of offence punishable under sections 364, 302, 120-B r/w 34 of IPC and provisions of the Arms Act. There is no dispute that charge sheet is filed in August 2021 against in all six persons. As on today since more than three years present applicant is behind bars. Papers as pointed out show that

out of six accused, only two are under trial and rest are on bail. Learned APP pointed out that present applicant is main accused along with other accused and he took this court through the order passed by this court on 09.01.2024. That, there is said to be direct eye witness. No doubt, this court after hearing arguments on last date had called report of learned trial Judge, who is seized with the matter and report dated 01.03.2025 is received by this court, by which it is conveyed that charge of Sessions Case No. 169 of 2021 is already framed on 20.01.2024. However, on receipt of application Exh.102 from prosecution matter is kept in abeyance. Learned trial Judge has also conveyed that there are 40 under trial matters pending on the file of the court. All accused are represented by different advocates and 39 witnesses are proposed to be examined by prosecution. Learned trial Judge has conveyed that it would try to dispose of the matter as early as possible.

5. Taking the above report into consideration, without entering into the merits of the entitlement of bail, if the trial does not commence within three months from today, applicant shall be at liberty to file fresh bail application for grant of bail.

6. With above liberty, application is disposed off.

(ABHAY S. WAGHWASE, J.)