



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1978 OF 2024

Pravin @ Bhatu S/o. Sharad Bhamare,
Age : 26 years, Occu. : Agri.,
R/o. Gandhi Chowk, Mehargaon,
Tq. & Dist. Dhule.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Songir,
Tq. & Dist. Dhule.

... Respondent.

.....
Mr. Mayur V. Salunke h/f. Mr. V. D. Salunke, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 APRIL 2025

PRONOUNCED ON : 08 APRIL 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No.0032 of 2021 registered at Songir Police Station, District Dhule for the offence punishable under sections 302 and 201 of Indian Penal Code.

2. Learned counsel submitted that, this court after noting date of arrest of applicant as 21.04.2021 and date of filing charge sheet as 14.07.2021 itself and also taking into account the statements made that accused is not produced before the trial court

for more than 15 occasions and he is behind bars since almost four years, by order dated 13.03.2025 this court had sought report from the learned trial Judge, who is seized with the matter, as to how long learned trial Judge would require for commencement or conclusion of trial.

3. This court is in receipt of report dated 27.03.2025 conveying that Sessions Case No. 99 of 2021 against present applicant is ready and charge is framed. However, court was busy in recording old cases like Special (MCOCA) Case No. 7 of 2021 and Special Case No. 09 of 1991 and also busy with other criminal matters as per directions of the Hon'ble Supreme Court and High Court, thereby giving preferences to the matters which are 30 years, 10 years and 05 years old and hence present sessions case is pending for trial. Learned trial court conveyed that, after some days, while deciding other sessions case, this matter would be proceed. Therefore, in view of above report, it is abundantly clear that since more than three and half years applicant is behind bars and there are no immediate prospects of matter being taken up for trial. Hence, he urged for relief of bail.

4. Learned APP submitted that, serious crime is committed. That deceased died due to head injury. That, there is CCTV footage.

That, investigation revealed role of applicant. That, there are statements of witnesses both under sections 161 and 164 of Cr.P.C. and the same are consistent. For all above reasons, he opposes the bail.

5. Perused the FIR and charge-sheet. FIR dated 25.04.2021 is at the instance of Sayajirao Changa Desle, who seems to be uncle of deceased Vijay Vikram Desle. That, he learnt from his other nephew Chandrakant that one Sharad Narayan Bhamare and his son Bhattu @ Pravin i.e. present applicant had demanded way to go to their field and their such demand was rejected by informant's nephew Vijay and as such since then Sharad Bhamare and his son were said to be upset. It is alleged that, on the pretext of giving party, Vijay was called to the field and he had left to enjoy the party, but had not returned. In above backdrop, he was done to death by means of some unknown weapon. On above report, crime has been registered.

6. *Prima facie*, it appears that, case is based on circumstantial evidence. Motive is tried to be put-forth in the FIR, but that occurrence is almost a year back and it was on only refusal to consider the request for giving way to approach the field. Case does not seem to be based on direct evidence. Even otherwise, applicant is behind bars since 21.04.2021. Taking above report into

consideration, it is apparent that, there is long pre-trial incarceration and trial Judge, who is seized with the matter, is not in a position to commence the trial. Since almost four years applicant is behind bars and therefore without entering into merits, only on the ground of long pre-trial incarceration, relief as prayed deserves to be granted.

Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Pravin @ Bhatu S/o. Sharad Bhamare be released on bail in connection with Crime No.0032 of 2021 registered with Songir Police Station, District Dhule, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall not enter the vicinity where the informant and his family members reside till conclusion of trial.

[d] The applicant shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)