



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1995 OF 2024

Samadhan Balaji Yadav (Parit)
Age – 25 years, Occupation-Agriculture,
R/o. Shiradhon, Taluka Kallam,
District Dharashiv (Osmanabad). ... Applicant

versus

1. The State of Maharashtra
Through Officer In charge,
Police Station Shiradhon,
Dist. Dharashiv (Osmanabad)
2. The Superintendent of Police,
Dharashiv (Osmanabad) ... Respondent

.....
Mr. Sudarshan J. Salunke, Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for the Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 06.01.2025

ORDER :

1. Applicant seeks enlargement on regular bail in crime no. 0017 of 2024 registered at Shiradhon Police Station, district Osmanabad for offence under Sections 302 of IPC.

2. According to learned counsel for the applicant, present application is successive application. Initial application bearing Bail

Application No. 1109 of 2024 was withdrawn. Now, charge sheet is already filed in May 2024 and even charge has been framed. However, according to learned counsel, prosecution is intending to examine over 20 witnesses and the same is apparent from charge sheet. As such, there are no immediate prospects of conclusion of trial. There are allegations of deceased being run over by tractor. There is history of dispute over common ridge. Learned counsel pointed out that present informant was booked at the instance of present applicant for commission of offence under Section 307 of IPC in September 2023. Present FIR is a backlash. He pointed out that Hon'ble Apex Court has time and again reiterated that there can not be pre-trial long incarceration. Hence, he prays for grant of bail.

3. While opposing the application, learned APP pointed out that admittedly, previous bail application was withdrawn as Court was not inclined. Second attempt has been taken but there is no change in circumstance. Learned APP pointed out that there is direct evidence about present applicant running over tractor over the limbs and head of deceased. She died on the spot. Learned APP pointed out that, now charge is already framed on 10.10.2024 and learned trial court has fixed the matter on 09.01.2025 for evidence. Precisely for such reasons, he prays to dismiss the application.

4. Admittedly, present application is second attempt. Previous bail application was withdrawn at the instance of present applicant himself. Main points urged now are that, applicant is behind bars since long and that trial would take long time to be concluded and that Hon'ble Apex Court favours bail in cases of long incarceration prior to trial. However, as pointed out by learned APP, charge is already explained on 10.10.2024 and plea is already recorded. Further, for trial, matter is said to be posted on 9th January, 2025 i.e. after two days or so. Resultantly, in the light of above supervening events, there being no merit, this Court is not inclined to grant bail. Hence, following order is passed :

ORDER

The Application is rejected.

[ABHAY S. WAGHWASE, J.]