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

BAIL APPLICATION NO. 2272 OF 2024

**SIDHU @ SIDDHESHWAR TAJANI MANE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. P.P. More, Advocate for applicant
Mr. D.B. Bhangе, APP for respondent.

CORAM :S.G. CHAPALGAONKAR, J.

**RESERVED ON : 3rd FEBRUARY, 2025.
PRONOUNCED ON : 5th FEBRUARY, 2025.**

P.C. :-

1. The applicant seeks regular bail in connection with Crime No. 129 of 2021 registered with Police Station, Nilanga, District Latur for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 323, 324, 504, 506 of IPC and under Section 135 of the Maharashtra Police Act.

2. This is successive bail application of the applicant. Previously, bail application No. 1716 of 2022 filed by applicant has been disposed of as withdrawn vide order dated 7th December, 2022. Thereafter, applicant moved second bail application No. 1734 of 2023, asserting change in circumstances and parity on the ground of release of co-accused persons. However, this court rejected said application vide order dated 5.2.2024. The order passed by this Court was assailed before the Supreme Court in SLP (Cri.) No. 4547 of 2024, which has been dismissed as withdrawn.

3. Mr. PP. More, learned advocate for the applicant submits that the applicant has been arrested on 22.1.2022. The trial is yet to commence. Applicant has suffered incarceration of 3 years by this time. He would further invite attention of this Court to the bail orders of accused Shekhar, Bibhishan, Rahul and Venkat, passed in March, 2024.

4. Mr. More would further invite attention of this Court to the actual role attributed against the applicant in commission of offence. He points out that applicant is not the assailant of the deceased. He is alleged to have caused injury to informant Akash. Mr. More, would further submit that the accused persons against whom serious allegations as compared to applicant are made, they have been enlarged on bail. The accused Shekhar, Bibhishan, Rahul and Venkat have been released, who are alleged assailants of the informant alongwith present applicant.

5. Mr. Bhangе, learned APP submits that crime is serious and there is sufficient material on record to establish complicity of the applicant in the crime in question. He, therefore, urges to reject the application.

6. Having considered the submissions advanced, it appears from the contents of FIR that the accused persons were having previous dispute with the family of informant. The accused persons arrived on the spot in 3 different vehicles. They were holding deadly weapons in their hand. Informant and his father were attacked. Applicant alleged to have attempted injury of knife on stomach of informant but it rested on his right hand. The father of informant lost his life due to assault by

co-accused. The evidence collected during course of investigation suggests that knife has been recovered at the instance of the applicant. Apparently, as many as 20 accused persons have been charge sheeted and except accused No.4 – Dilip, others have been released on bail. The trial in the matter is yet to commence. It is true that previous bail applications of the applicant have been rejected on merit up to the Supreme Court and last such application has been rejected by this Court vide order dated 5.2.2024, confirmed by the Honourable Supreme Court on 3.4.2024.

7. Apparently, applicant has suffered incarceration for 3 years by this time and there is nothing on record to show that applicant is responsible for protracting the trial. The role of applicant as can be observed from contents of FIR and statements of eye witnesses is confined to the attack on Akash/informant. Apparently, he has not played any role in causing injury to the deceased/Anil Salunke. His role is limited to injuries suffered by Akash. The injury certificate of Akash shows that he suffered grievous injury on hand, which can be attributed against applicant.

8. Admittedly, by now, applicant has suffered incarceration of more than 3 years. No criminal antecedents have been attributed against him. It is not clarified before this Court as to why trial is delayed or how much time it would take to commence. Recently, the Supreme Court of India in the matter of ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra (2024) 9 SCC 813***, observed that speedy trial is an integral and essential part of fundamental right of life and liberty as enshrined under Article 21 of the Constitution of India. Such right cannot be suspended or withheld

even when the applicant has not asked for or insisted upon speedy trial. Lastly, in para. 17, the following observations are made.

“17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime“

9. In yet another case of ***Sangram Suryawanshi vs. State of Maharashtra decided on November 25, 2024***, the Honourable Supreme Court of India giving reference to the judgment in the matter of *High Court Bar Association, Allahabad vs. State of U.P.* observed thus

“Constitutional Courts in the ordinary course should refrain from fixing a time bound schedule for disposal of cases pending before any other courts. Constitutional Courts may issue directions for time bound disposal of cases only in exceptional circumstances. The issue prioritizing disposal of cases should be best left to the decision of courts concerned where case are pending.”

10. In view of aforesaid observations and looking to the nature of allegations against the applicant, coupled with his incarceration for more than 3 years, further detention of the applicant would not be

justified. In the result, a case is made out for grant of bail. Hence, the following order :-

∴ ORDER ∴

- (i) The application is allowed.
- (ii) The applicant – Sidhu @ Siddheshwar Tanaji Mane, be released on bail in connection with Crime No. 129 of 2021, registered with Nilanga Police Station, District Latur, for offences punishable under Sections 302, 307, 143, 147, 148, 149, 323, 324, 504, 506 of IPC and under Section 135 of the Maharashtra Police Act, on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, on the following conditions :-

[a] The applicant shall not tamper with the prosecution evidence.

[b] The applicant shall attend each and every date of trial before the Sessions Court unless specifically exempted.

[c] He shall not enter village Yelnoor, Taluka Nilanga, District Latur till conclusion of trial

[d] The applicant shall not indulge in any similar offence.

[e] It is made clear that the observations made herein above are on prima facie consideration of the material on record and only for the purpose of deciding this application.

[f] The application stands disposed of.

[S.G. CHAPALGAONKAR, J]

grt/-