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

BAIL APPLICATION NO.2280 OF 2024

Santosh S/o. Sukdeo Waikar,
Age: 41 years, Occu.: Labour,
R/o. Takli, Tq. Kopargaon,
Dist. Ahmednagar

... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Kopargaon City Police Station,
Tq. Kopargaon, Dist. Ahmednagar.

... Respondent

.....

Mr. M.L. Wankhade, Advocate a/w Mr. Jitendra Jain, Advocate
for Applicant
Mr. P.K. Lakhotiya, APP for Respondent - State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 APRIL 2025

PRONOUNCED ON : 29 APRIL 2025

PER COURT :-

1. Present application is for grant of regular bail on account of arrest of the applicant in Crime number No. I-190 of 2015 registered at Kopargaon City Police Station, District Ahmednagar for offences punishable under section 307, 395, 397, 120-B, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Sections 3/25, 4/25 of the Arms Act and under Section

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3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime (MCOC) Act.

2. Learned council for the applicant pointed out that applicant is arrested in above crime on 23.11.2015 and as such he is behind the bars since almost a decade. Present applicant application is successive bail application. Learned council pointed out that charge is already frame on 06.04.2023. That, trial is commenced, but there are as many aa 39 witnesses has to be examined, but only PW-1 has been examined on 13.03.2024. learned council invited attention of this code to the *Rojanama* and would submit that, not a single witness has been examined from 13.03.2024. As trial is taking sufficiently long time, learned council urges for grant of bail.

3. Learned APP opposed on the ground that present application is third bail application that applicant has criminal antecedents including offence of MCOC. That, he further pointed out that earlier matter was in the court of Nashik and subsequently it was transferred to Ahmednagar. He pointed out that, information is received that accused are engaging different advocate, rather changing the advocates time to time. That, three witnesses are already examined. That, one of the accused

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is still absconding, and non bailable warrant was required to be issued, and therefore, accused are solely blamed for delayed trial. For all above reasons learned APP opposes the bail.

4. Heard the papers. FIR dated 07.10.2015 is at the instance of one Ganesh Baburao Kate. He reported that, Santosh Waikar was armed with a pistol as well as a knife, and on the ground of giving information to the police, beat the informant's mother by kicking her. When the informant's brother, Sandip, intervened, Santosh assaulted him with a knife and also inflicted injuries to their grandfather. Hence, the present report

5. As stated above, charge-sheet is already filed in the year 2016. Charge is also shown to be framed in April 2023. Learned APP made a statement across the bar that, three witnesses are already examined and 39 witnesses are proposed to be examined by the prosecution. However, taking into consideration the statement made by the learned APP that the matter was initially before the Nashik Court and it was subsequently transferred to the Ahmednagar Court, and also taking into account the report received from the learned Trial Judge dated 03.03.2025, though the learned Judge has estimated one year for concluding the trial, it appears that the

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prosecution is required to issue a non-bailable warrant against accused No.2 to secure his presence. Therefore, the prosecution cannot be solely blamed for the delay in the trial. If all the accused persons cooperate, considering the strength of prosecution witnesses, there is good chances that the matter will conclude in the near future. Further, it is to be noted that papers placed by prosecution show that present applicant has bad antecedents and as many as 14 crimes are registered against him. Therefore, this also impacts entitlement for grant of bail. No case is made out for grant of bail. Hence, the following order:

ORDER

Bail Application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**