



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2354 OF 2024

Shakin @ Shakil Momin Chavan,
Age : 46 years, Occu. : Labour,
R/o. Saswadgaon, Tq. Paithan,
Dist. Chh. Sambhajinagar.

... Applicant
(Orig. Accused No.5)

Versus

The State of Maharashtra,
Through Police Station MIDC,
Paithan, Tq. Paithan,
Dist. Chh. Sambhajinagar.

... Respondent

.....
Mr. Gautam J. Pahilwan, Advocate for Applicant
Mr. V. M. Chate, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 14 JANUARY, 2025

PRONOUNCED ON : 16 JANUARY, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of arrest in Crime No. 52 of 2016 registered at M.I.D.C. Paithan Police Station, Dist. Chh. Sambhajinagar for offence punishable under sections 399 and 402 of Indian Penal Code.

2. Learned counsel for applicant submitted that, applicant is arrested in above crime on 21.10.2024. That, investigation is already over. Even charge sheet has been filed.

That, present applicant is arrested on being named by co-accused. That, some of the accused are already released. Learned counsel pointed out that applicant is ready to abide all and any conditions imposed by this court. That, nothing is to be recovered from him and hence relief of regular bail is pressed into service.

3. Strongly opposing the above application, learned APP pointed out that, crime is registered in March 2016 for above offences. That, applicant was absconding and he avoided arrest for 8 years. Learned counsel pointed out that, thus, trial could not proceed. That, moreover, almost four crimes are registered against present applicant including crime for offence under sections 307, 379, 306, 392 of IPC. Learned APP emphasized that, considering the above conduct of abscondence, applicant does not deserve relief of bail.

4. After considering the submissions and on going through the FIR, it emerges that, M.I.D.C. Paithan police registered crime on 17.03.2016 on report of one Deepak Pundlik Sarode, a Police Officer. Present applicant is admittedly arrested in above crime on 21.10.2024 i.e. after almost eight years. Further, as pointed out by learned APP, there are other crimes registered to his credit including offence of 307 IPC. As rightly submitted by

learned APP, though charge sheet is filed against other accused and some of them are set at liberty, in view of above discussion, relief as prayed cannot be granted.

5. The bail application stands rejected.

(ABHAY S. WAGHWASE, J.)