



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.248 OF 2025

Balasaheb Kisan Sabale,
Age:47 Years, occu.: Majuri,
R/o.: Bhagur, Tq. Shevgaon,
Dist.: Ahmednagar

.. Applicant

Versus

The State of Maharashtra,
Through: In-charge Police Inspector,
Shevgaon Police Station,
Tq. Shevgaon, Dist. Ahmednagar

.. Respondent

Advocate for Applicant: Mr. A. N. Barhate Patil
APP for the Respondent/State: Mr. V. M. Jaware

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 30.04.2025
PRONOUNCED ON : 05.05.2025

ORDER:

1. Instant application is for regular bail and on account of arrest of the applicant in Crime No.0283/2022 registered at Shevgaon Police Station, Tq. Shevgaon, District Ahmednagar for offence punishable under Sections 302, 324, 326 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant pointed out that the applicant is arrested in above crime on 05.05.2022 and he is behind the bars since long. Now, investigation is over and charge-sheet is also filed

but the trial has not commenced nor concluded and as the same amounts to long incarceration, learned counsel urges for bail. He has also prayed relief on the ground that alleged incidence is between brothers. There are allegations of use of stick for refusing to give money for liquor. Though there are eye witnesses statements, the same are recorded after inordinate delay of nine days thereby creating doubt about veracity of that statement that even some of the so called eye witnesses claimed about receiving information from others, as such, their statements are also on hear say.

3. The learned APP opposed on the ground that serious offence is committed. There is incriminating material against the present applicant. The learned APP took this court through P.M. Report and submitted that death is due to Cardio Respiratory arrest due to intra cranial bleeding with hypovolemic shock. There is recovery at the instance of the present applicant. The learned APP at the end submitted that in view of the report of the learned trial court, the trial itself would come to an end in near future.

4. Heard. Perused the papers.

5. The FIR is at the instance of one Mr. Bhaleshwar Sable and he has reported that his cousin uncle Balasaheb Sable was addicted to

liquor and he was demanding money from the relatives and use to took up quarrel. On 04.05.2022, he received information about quarrel going on between Balasaeb and informant's father and, therefore, he and his friend reached there. He claims that Balasaheb was armed with stick. He was standing near his father and using the same assaulted his father and his father has fallen down. Informant's father had suffered head injury and, therefore, was taken to the hospital. The PM. Report shows cause of death as Cardio Respiratory arrest due to intra cranial bleeding with hypovolemic shock.

6. After considering the submissions, particularly, that the applicant is behind the bars since 2022, this court has called report of learned Trial Judge and the same is received. The learned Trial Judge has reported the entire calender of proposed witnesses. That, the charge would be framed and from 09.06.2025 the trial would commence, datewise list of witness proposed to be examined are also conveyed in the report.

7. Taking the same into consideration and as submitted by the learned APP that the trial is about to commence, therefore, this court does not find it to be a fit case to grant bail. Datewise calender has been reported to this court. In view of the report, on 30.06.2025, three witnesses are proposed to be examined. Therefore, considering the same,

there are bright prospects of trial coming to end in June or at the most July 2025 itself. If the trial does not come to an end by August 2025, the applicant would be at liberty to approach afresh for bail.

8. In view of the above, the Bail Application stands disposed of.

[ABHAY S. WAGHWASE, J.]

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