



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

BAIL APPLICATION NO.1523 OF 2025

**RAMESH @ RAMYA S/O. CHAGAN BHOSLE
VERSUS
THE STATE OF MAHARASHTRA.**

...

Mr. Shaikh Faizal Naseeruddin, Advocate for applicants
Mrs. R.R. Tandale, APP for respondent.

CORAM : MEHROZ K. PATHAN, J.

DATE : 11th November, 2025.

P.C. :-

1. The applicant has filed the present application seeking his release on regular bail in connection with Crime No. 263 of 2016, registered at Waluj Police Station, Dist. Chh. Sambhajinagar (City), for the offences punishable under Sections 302, 34 of IPC and under Sections 3/25 of the Arms Act.

2. The case of the prosecution is that the informant Sujata Kadu Kale resides with her family members at Shirodi and she is taking education in 8th Standard at Ambelohol. They possess Gayran Land at Kasoda Shivar and cultivating crops in the said land for their livelihood. Ramya Chagan Bhosle is having Gayran Land adjacent to their land and there is dispute between them about the land. The informant was suspecting that her younger brother Amit was killed in the water by the accused/applicant and the accused were suspecting that the informant's family is responsible for the death of Pradeep the brother of Ramya Bhosale. On 13.10.2016 at about 3.00 p.m. informant was standing in front of her house, their relatives accused, Ramya alongwith Altaf and Mahanoor came there on a motor cycle. They were having doubt on each other for the death of brother and there was an old dispute

between them on account of Gayran Land. At that time, Shahrukh, the brother of informant after taking bath was coming to the house from the well situated near the field. They stopped him and accused Altaf Bhosale, and Mahnur Kale called him near them. When the brother of informant while talking with them, accused Ramya Bhosale took out pistol from his waist and approached towards Shahrukh. Thereafter, Shahrukh told him that he is going to kill him. At that time, Ramya Bhosale replied, "How he can kill him when they are friends". At that time, Altaf and Mahanoor kept Shahrukh engaged by talking. Ramya Bhosale fired a gunshot on chest of Shahrukh. Due to the sound of firing, informant rushed towards her brother. Her brother fell down and blood was oozing from his chest. That time, accused Ramya Bhosale threatened to kill her and hence, she ran towards the house. Thereafter, they went away. When she went to see her brother Shahrukh, he was unconscious and blood was oozing from his chest. Then she went to one Raju uncle and narrated the incident. Villagers gathered and someone gave information to the police. Police came there and her brother Shahrukh was taken to the Ghati Hospital in Police Van, where, he was declared dead.

3. The learned counsel for the applicant submits that he is not arguing the case on merits and as such, he has limited the arguments only on the point of delay in trial. The learned counsel for the applicant submits that the date of the FIR is 13.10.2023 and the applicant was arrested on 1.9.2025 and he has put in 3 years and 2 months' detention in the present crime and that he was required to be taken on production as he was arrested in other crime bearing RCC No. 87 of 2017 wherein, he is already undergoing imprisonment. He, therefore, submits that 3 years and 2 months have passed, however, no substantial progress is there in the trial. He further submits that charge itself is not framed. The applicants may be released on bail in view of the various judgments of

the Supreme Court, wherein, Honourable Supreme Court has held that long incarceration of the applicant, without any possibility of conclusion of trial in near future, would entitle the applicants in grave crimes also to be released on bail on the ground of delay.

4. The learned counsel for the applicant relies upon the judgment in the case of ***Mohammad Zakir Abdul Haque Shaikh Vs. State of Maharashtra***, reported in ***AIR Online 2023 Bom. 1655***, particularly, para.8, which reads as under :-

“In the present case, as noted above, the Appellant has been arrested on 24th September, 2008. The prosecution framed charges against the Appellant on 23rd December, 2013 i.e. approximately after five years of his date of arrest and till date in last more than nine years the trial of the said case has not progressed.

Mr. Chimalkar, learned Special PP pointed out that, in the interregnum, the Appellant was tried at Ahmedabad in the said blast case and therefore the Appellant was not available for trial in the present case at Mumbai.

There are 82 witnesses cited by the prosecution in the list of witnesses annexed to the charge sheet. The possibility of conclusion of trial of the present case in near future appears to be remote. Taking into consideration the fact that, the Appellant is behind bars in present case for more than 14 years and 4 months for an offence/offences which are punishable with minimum five years of imprisonment and after applying the aforementioned principles of law as enunciated by the Hon’ble Supreme Court, the Appellant can be enlarged on bail.”

5. He further relies upon the judgment of the Honourable Supreme Court in ***Balwinder Singh Vs. State of Punjab***, in SLP Nos. 8523 of 2024, dated 9.9.2024, wherein, the Honourable Supreme Court was

pleased to observe that inordinate delay in conclusion of trial would infringe the right of the accused guaranteed under Article 21 of the Constitution of India, He, therefore, submits that looking to the fact that the applicant has put in 3 years and 2 months of incarceration and the charge being unframed, the applicant may be released on bail.

6. As against this, learned APP, vehemently opposes the present application. She submits that applicant is a notorious criminal, who is already convicted by the trial Court in Crime No. 87 of 2017 for the offence of dacoity and was released on bail by this Court. This court, vide its order dated 25.4.2024 was pleased to suspend the sentence of the present applicant in Criminal Appeal No. 335 of 2024. Learned APP further submits that the allegations in the present FIR would show that the applicant has killed the victim with gun shot injury by firing from a gun. The applicant was already arrested in aforesaid Crime No. 27 of 2017, however, was absconding in the present crime since date of commission of crime i.e. 13.10.2016. The applicant was taken on production warrant from the other crime and is in custody in the present crime from 1.9.2022.

7. Learned APP further submits that though the charges are not framed in the present crime, however, looking to the gravity of the offence and also criminal antecedents of the applicant and the evidence collected against him, wherein, he is alleged to have fired a gun shot from pistol, the applicant cannot be released on bail.

8. I have heard the learned counsel for the applicant and perused the judgment relied upon by him. I have perused the evidence collected by the prosecution in support of their case. There are direct allegations about use of fire arm by the present applicants to kill the deceased. There are criminal antecedents to the discredit of the

applicants. In one of such cases, the applicant was already convicted by the trial court in Crime No. 87 of 2017, which was also again a grievous offence of dacoity. Thus there is every likelihood that the applicants may misuse the liberty and again indulge into similar offences.

9. In so far as the submission on the point of delay in conclusion of trial is concerned, the Apex Court in the judgment reported in the matter of ***Kalyan Sarkar vs. State of West Bengal, (2004) 7 Supreme Court Cases 528*** has held as under :-

“In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe....”

10. In the matter of ***Gurwinder Singh Gurwinder Singh Vs. State of Punjab and others*** AIR 2024 SC 952 the Apex Court in para. 32 has observed thus :-

“32. Therefore, mere delay in trial pertaining to grave offence as one involved in the instant case cannot be used as a ground to grant bail. Hence, the aforesaid argument on behalf of the appellant cannot be accepted.”

11. Thus, though there is delay caused in commencement of trial, and trial may take some more time to conclude, however, looking to the charges levelled against the applicant, who is alleged to have killed the deceased by using fire arms, which is corroborated by the injuries sustained by the deceased in the evidence collected by the prosecution. Considering the fact that the applicant was already convicted for the offence of dacoity, and was absconding from the date of offence and also taking into consideration the submission that he was required to be taken on production warrant, as he was arrested on 1.9.2022 in Crime No. 127 of 2017 and considering the gravity of the offence and the criminal antecedents of the applicant, I am not inclined to entertain the present application on merits, as well as, on the ground of delay in trial. In the result, the application stands rejected.

[MEHROZ K. PATHAN]
JUDGE.

grt/-