

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 516 OF 2025

Santosh @ Kaluram Rajendra Ghodake
Pravin @ Pavan Duryodhan Jadhav ...Appellants

V/s.

The State of Maharashtra and Anr. ...Respondents

Mr. Kuldeep Nikam a/w Prasad Avhad a/w Rohit K. Advocate for the Appellants.

Mr. A. R. Metkari, APP for the Respondent/State.

Mr. Dhananjay Bhosale, Advocate for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 25.08.2025.

P.C. :

1. This appeal takes exception to the order dated 27.03.2024 passed by the learned Additional Sessions Judge, Baramati, below Exhibit 243 in Sessions Case No. 23 of 2016.

2. The appellants are accused in the aforesaid sessions case and are facing trial for the offence punishable under Sections 302, 201, 120(B), 363, 364, 365, 143, 147, 148 and 149 of the Indian Penal Code, Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Section 7(1)(d) of the Protection of Civil Rights Act and Section 135 of the

Maharashtra Police Act. By the order impugned, the learned Additional Sessions Judge, has rejected the bail application filed by the appellants.

3. I have heard the learned counsel for the appellants, the learned APP for the respondent-State and the learned counsel for the respondent No.2-complainant.

4. The bail was sought on the ground of long incarceration as undertrial prisoner. The learned counsel for the appellants submits that the appellants are in jail for ten years. It is submitted that this Court, by order dated 23.02.2021, directed the trial Court to conclude the trial within a period of one year. It is submitted that despite the said order out of 41 witnesses the prosecution has till date examined only 18 witnesses. The learned counsel for the appellants submits that there are no other criminal antecedents against the appellants.

5. On the other hand, the learned APP for the respondent-State and the learned counsel for respondent No.2 submit that the deceased was brutally murdered. It is submitted that the

prosecution is not going to examine all other witnesses. It is submitted that as the trial has commenced, the present appeal may not be entertained.

6. The fact that the appellants are in jail for ten years is not disputed. The case is based on circumstantial evidence. Considering the overall facts and circumstances , I am inclined to release the appellants on bail. In the result, the following order is passed:

ORDER

- A] The Appeal is allowed.
- B] The impugned order is set aside.
- C] The Appellants shall be released on bail on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

D] The Appellants shall not tamper with the prosecution evidence.

E] The Appellants shall attend the trial Court regularly.

F] The Appellants shall provide their residential address and the contact details to the concerned police station.

G] The Appeal is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]