



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.114 OF 2025

Sanjay s/o Punaji Shendre

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Etapalli, District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Radha M. Mishra, Counsel for the applicant.

Ms. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/03/2025

1. The applicant came to be arrested on 07.03.2018 in connection with Crime No.10/2018 registered with Police Station Etapalli, District Gadchiroli for the offences punishable under Section 302 and 307 of the Indian Penal Code and 5 and 28 of the Arms Act.

2. As per the allegation on the basis of the report lodged by the Triyogi Gaurishankar Pathak that he was working along with the deceased and the applicant and after having dinner, they were slept in a Barrack. At the relevant time, at about 10.45 p.m. it revealed to him that the accused/applicant had fired bullets on the person of deceased when they were sleeping in their beds in the Barrack and he has seen the accused/applicant fleeing away from the

spot of incident along with the rifle. On the basis of the report, police have registered the crime.

3. The application is filed by the applicant under the scheme which is floated by the Government and National Legal Services Authority under the name as Special Campaign for Old Prisoners & Terminally Ill Prisoners.

4. Heard learned Counsel for the applicant who submitted that the applicant is suffering from depression and psychiatric illness and therefore, he be released on bail.

5. Learned APP strongly opposed for the same and submitted that the applicant is already treated for his depression while he is in jail. Moreover, the trial is at the fag end and only one witness i.e. Investigating Officer remained to be examined. In view of that, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers it reveals that from the statements of the witnesses, the involvement of the present applicant is shown. The evidence of the material witnesses is already examined. Only one Investigating Officer remained to be examined. As far as the ailment is concerned, which only shows that he is having the complaint of depression for

which he is already treated by the jail authority. In view of the observation of the Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr. In Special Leave Petition (Criminal) No. 13378 of 2024** wherein it is observed that ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

7. Considering the trial is already at fag end and there is no such ailment which cannot be treated and he is already treated by the jail authority for the complaint of depression, therefore no ground is made out for grant of bail. The application deserves to be rejected. Accordingly, it is rejected.

(URMILA JOSHI-PHALKE, J.)