



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.727 OF 2025

(Arjun @ Sonu Mohan Ghatayde Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.D. Bhate, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 22, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 04/05/2019 in connection with Crime No.232/2019 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of report lodged by Kaushlya Niranjana Sharma who is the maternal aunt of the deceased on an allegation that on 02/05/2019 there was a birthday of the friend of the deceased, and therefore, she was waiting for the deceased but the deceased was brought at home in an injured condition. He was immediately taken to the hospital, but the Doctor has declared him dead. She further alleged that on the intervening night of 02/05/2019 and 03/05/2019 her nephew was eliminated by the present applicant on account

of previous enmity. On the basis of the said report, police have registered the crime against the present applicant.

3. Initially, the Bail Application No.799 of 2022 was filed by the present applicant. By passing detailed order this Court has rejected the said application on merits. Subsequent to that also another application was filed by the present applicant and the same was also rejected. Now, the present application is filed by the applicant on the ground of delay in trial.

4. Learned Counsel for the applicant submitted that 14 witnesses are already examined. The applicant is behind bar since the date of his arrest i.e. from 04/05/2019. Only 14 witnesses are examined. The panch witnesses have not supported the prosecution case. The prosecution will take its own time for examining the witnesses and the applicant cannot be kept behind bar for an indefinite period. In view of that, prayed for releasing the applicant on bail.

5. Learned APP strongly opposed the application on the ground that 14 witnesses are already examined, there is a substantial progress in the trial and the prosecution is taking efforts to dispose of the trial at the earliest. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the sides and on perusal of the investigation papers and the earlier

order passed by this Court it reveals that this Court has considered the entire evidence on record and observed that the blood stained cloths of the applicant have been recovered from the residence of the witnesses where the applicant and the other co-accused took the shelter. The other evidence was also considered by the Court and also observed that there were 19 injuries on the person of the deceased which are on the vital part of the body and by observing the same the application is rejected. Thus, as far as the merits of the matter is concerned which is already considered by this Court twice and rejected the application. The another ground raised by the present applicant is there is a delay in trial.

7. By considering the submission made by the learned APP and on perusal of the record it reveals that material witnesses are already examined by the prosecution including the 3 eye-witnesses. There is no dispute as to the fact that the panch witnesses have not supported the prosecution case, but the Investigating Officer is there who can prove the said aspect on his examination. At this stage, the observation of the Hon'ble Apex Court in the case of **'X' Vs. State of Rajasthan & Anr. [Special Leave Petition (Criminal) No. 13378 of 2024] dated 27/11/2024** wherein also the Hon'ble Apex Court has 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.

8. In the present case, in the light of the above said observation, admittedly, there is a progress in the trial. The trial is substantially progressed, material witnesses are already examined. Now, only the Investigating Officer and some of the witnesses are remained to be examined. At the most, the trial Court can be directed to expedite the trial and dispose it of at the earliest considering the applicant is behind bar since 2019. In view of that, the application deserves to be rejected.

9. Accordingly, the application is hereby rejected.

10. The trial Court shall expedite the trial by taking into consideration that there is a long incarceration of the present applicant as he is arrested on 04/05/2019.

(URMILA JOSHI-PHALKE, J.)