



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2121 OF 2025

Gautam Alias Gopal Premsingh RathodApplicant

VERSUS

The State of Maharashtra & anotherRespondent

Mr. J. V. Patil, Advocate for Applicant.
Mr. P. P. Dawalkar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 7th JANUARY, 2026.

PER COURT :

1. The Applicant seeks regular bail in connection with Crime No. 252/2021 registered with Jalgaon Taluka Police Station, Dist. Jalgaon, for the offences punishable under Sections 34, 302 of *Indian Penal Code*.
2. The genesis of the incident lies in relation to the incident dated 12.09.2021. A quarrel was taking place between deceased and mother of the present Applicant and the deceased was abusing her. The Applicant intervened the same, which eventually resulted into assault by knife attributed to the present Applicant.
3. Learned Counsel for Applicant Mr. Jitendra Patil submits that co-accused, who is real brother of the Applicant, has been enlarged

on bail by this Court in Bail Application No. 2173/2023 on the ground of prolonged incarceration.

4. Learned APP has opposed the Application submitting that the role of the Applicant is distinct from that of the co-accused enlarged on bail.

5. Having heard the respective Counsel for both the sides, and upon perusal of record including the charge-sheet, it reveals that the alleged act is borne out of a scuffle between the Applicant and the deceased. As such, prima facie, there appears no pre-meditation on the part of the Applicant.

6. Further more, the Applicant is in custody since 12.09.2021 i.e. for more than 4 years of incarceration. The co-accused is already released on bail by this Court on the ground of prolonged incarceration.

7. The right to speedy trial enshrined under Article 21 of the Constitution of India is not eclipsed by the nature of offence. Prolonged incarceration of an undertrial, without commencement or reasonable progress of trial, cannot be countenanced, as it has the effect of converting pretrial detention into form of punishment. Thus, keeping in view the verdict of Hon'ble Apex Court in the case of Javed Gulam Nabi Shaikh vs. State of Maharashtra and others,

MANU/SC/0609/2024 dated 03.07.2024, the indefinite incarceration of the Applicant is not warranted.

8. The investigation is complete for all intent and purposes and considering the number of witnesses which the prosecution is likely to examine, the trial is unlikely to conclude within a reasonable period. The learned APP when confronted with the delay, is not able to demonstrate that the trial would be concluded at the earliest. Therefore, the indefinite custody of the Applicant is unjustified and when other accused is enlarged on bail by this Court, there is no reason to refuse similar relief to the present Applicant. As such, request of the Applicant warrants consideration.

9. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) Applicant Gautam @ Gopal Premsingh Rathod be released on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 252/2021 registered with Jalgaon Taluka Police Station, Dist. Jalgaon, for the offence punishable under Sections 34, 302 of Indian Penal Code, on following conditions :-

- (a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the Applicant, it is open for the prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this Application and the Trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)