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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.735 OF 2026
IN
CRIMINAL APPEAL NO. 641 OF 2024

Sanket Bhagwat Wagh
Age – 31 years, Occ – Education
R/o Canal Road, Yashwantnagar,
Beed, Taluka and District – Beed

APPLICANT

VERSUS

The State of Maharashtra
Through Police Station officer,
Peth Beed Police Station, Beed
District - Beed

RESPONDENT

.....
Mr. N. V. Gaware h/f Mr. Z. H. Farooqui, Advocate for Applicant
Mr. A. V. Lavte, APP for Respondent - State

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[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

RESERVED ON : 25th MARCH, 2026
PRONOUNCED ON : 10th APRIL, 2026

ORDER (PER NITIN B. SURYAWANSHI, J.):

1. This is the second bail application filed by the Applicant, convicted for commission of murder, by learned Additional Sessions Judge, Beed in Special Atrocity Case No. 04 of 2019 and sentenced to suffer Rigorous Imprisonment for life, along with fine.

2. This Court (Coram : R. G. Avachat and Neeraj P. Dhote, JJ) has rejected the Bail Application filed by the Applicant, on merits, on 23rd October, 2024. While rejecting the Bail Application, this Court has considered the evidence brought on record by the prosecution against the Applicant and observed that, the Applicant's case is not fit for suspension of sentence and bail.

3. The Applicant challenged the said order before the Hon'ble Supreme Court. On 2nd December, 2024, the Special Leave Petition filed by the Applicant is dismissed as withdrawn.

4. The Applicant is seeking bail on the ground of long incarceration. He claims that from the date of his arrest i.e. 25th December, 2018, he was under trial prisoner and now, he has completed more than 7 years imprisonment. He is transferred to Paithan Open Jail. He has no criminal antecedents and, therefore, he may be released on bail, as his appeal is not likely to be heard in the near future.

5. In support of the Application, the Applicant has relied on Imprisonment Certificate dated 7th January, 2026, issued by the Superintendent of Open District Prison, Paithan, which states that the Applicant is transferred from Chhatrapati Sambhaji

Nagar Central Prison to Open District Prison, Paithan on 8th November, 2025 and since then he is undergoing sentence in the said prison. Reliance is also placed on the order passed by the Apex Court in the case of **"Shankar @ Bunty Ramchandra Dabhade V/s The State of Maharashtra"** dated 16th May, 2023 in SLP (Cri) No. 4684 of 2023 and on the reported judgments of the Apex Court in the cases of **"Saundan Singh V/s State of Uttar Pradesh" 2022 SCC OnLine SC 697** and **"Suleman V/s State of Uttar Pradesh" 2022 SCC OnLine SC 1042**.

6. Heard learned Advocate for the Applicant and learned APP for the Respondent – State at length. Perused the Record.

7. In **"Saundansingh"** (*supra*), it is held that *".. for anybody who has completed 14 years of sentence, the case has to be put before the Board to be examined as per norms..... the second category of cases can be one where the person has served out more than 10 years fo sentence. In these cases also at one go bail can be granted unless there are any extenuating circumstances against him."*

8. In **"Shankar @ Bunty Ramchandra Dabhade"** (*supra*) he was arrested on 17th October, 2016 and was in custody for six and half years. By noting that, it is practically not possible for

the trial court to complete the trial on account of the fact that there are 145 witnesses, the Supreme Court allowed the Appeal and the Appellant there was directed to be released on bail.

9. The Applicant is sentenced to suffer Rigorous Imprisonment for life. The Bail Application filed by the Applicant is recently rejected by this Court, on merits. The report of the Central Prison shows that the Applicant is categorized under category "3", therefore, he will have to undergo imprisonment for 22 years.

10. Taking into consideration the conspectus of the applicant's case, we are of the view that 7 years' imprisonment cannot be said to be sufficiently long incarceration, to release the Applicant on bail.

11. In the result, the Application is rejected.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE