

**S.T.No. 109/2024**  
**State.Vrs. Anil Tayade.**

**ORDER BELOW EXHIBIT NO. 12.**

[Passed on 04.09.2025]

This application is placed on record by the accused under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail.

**Accusation :-**

2) On 23.01.2024, a report is lodged against accused that he has committed murder of deceased Shobha. Brother of the informant was married to deceased Shobha Gajanan Lande in the year 2014. Out of the wedlock, they have one son namely Pratham. The informant came to know from his wife that the victim and accused have illicit relationship. One year prior to the incident the brother of the informant went to Mumbai for labour work. At that time accused stayed with deceased Shobha for 15 days in her house. Accused used to visit her secretly. On 23.01.2024, at about 7.00 a.m. complainant went for work near village Malkapur and returned back to his house in Mana at about 1.30 p.m. At about 1.45 p.m. informant heard shouts of Shobha as “दार उघडा हो, दार उघडा हो, मला वाचवा” and found that the doors and windows of the house were closed. She was shouting so the informant called people in the vicinity namely Sudhir Metange, Santosh Kokane, Sunil Mahure etc.

and broke the window. When they entered into the house they saw deceased Shobha and accused were lying in pool of blood near the cupboard. There was a knife near the right hand of the accused. Both were taken to Government hospital, where Shobha expired.

**Submissions :-**

3) Learned Counsel for the accused Shri P.B. Honale, Deputy Chief, L.A.D.C.S., Akola submitted that the bail of the accused is previously rejected by the Hon'ble High Court. There is no progress in the trial so fresh ground is available to the accused to prefer bail application as more than 180 days have been passed from the date of rejection of earlier bail application.

4) Learned APP for the state filed say at Exh.13 objecting the application stated that the trial could not commence as Forensic Reports are not received though letter is issued by the prosecution. The prosecution is unable to examine the witnesses as every material witness and the informant is directly connected with the property of the case. It is further elaborately mentioned in the say as to how each witness is connected with the property which is yet to be received from the investigating machinery. The names of other witnesses according to learned APP are hear say. Hence, it is prayed for rejection of the application on the ground that the accused will abscond and trial will be delayed in such a

serious offence.

**Reasons :-**

5) Heard both the parties. Perused the case papers. In this case the application is made mainly on the ground of delay in trial. It is apparent that nature of offence is serious. The gravity of offence is also considered by the Hon'ble High Court due to which the previous application for bail is rejected. Learned APP also apprehends abscondance of the accused on his release and tampering with the prosecution witnesses. The main aspect to be dealt with while considering the application is whether there is any delay in trial on the basis of which the bail is sought.

6) The applicant in support of his contentions has relied on following case Laws :-

(i) In **Dalip Singh Alias Deepa Vs. State of Panjab, (2010) 3 CriCC 347**. It is observed by the Hon'ble Lordship that "Having delved into the various aspects of the matter we are of the view that it cannot be laid down as an absolute or invariable rule that delay in concluding the trial would ipso facto entitle an accused for the grant of bail. However, failure to conclude the trial within a period of 180 days would entitle the accused to have his case considered for release on bail. The right is of consideration and not an automatic right of grant of bail. In considering grant of bail

on the ground of delay in the trial, the question to be seen who has been responsible for the delay. In case it is the accused who has delayed the trial, no relief can be granted.

(ii) In the case of **Pradeep Shivaji Shinare Vs. The State of Maharashtra, Cri. Application (BA) No. 1844/2012**, considering the fact that investigation was completed, charge-sheet was filed and the trial was not likely to take off, the applicant was released on bail.

(iii) In case of **Bhagirathsinh Judeja vs. State of Gujarat, AIR 1984 Supreme Court, 372**, it is observed by the Hon'ble Lordship that "even where a prima facie case is established, the approach of the court in the matter of bail is not that the accused should be detained by way of punishment but whether the presence of the accused would be readily available for trial or that he is likely to abuse the discretion granted in his favour by tampering with evidence."

(iv) In case of **Rushabh @ Aayush s/o Ajay Tambe Vs. State of Maharashtra, through Police Station, Gittikhadan, Nagpur, Cri. Application (BA) No. 102/2025**, it is observed that the applicant cannot be kept behind bars for indefinite period, even though there is sufficient evidence to show his involvement in the offence he cannot be incarcerated for a indefinite period when trial has not commenced.

(v) In case of **Santosh Pralhad Waghmare .Versus The State of Maharashtra, Bail Application No. 180 of 2024**, the accused is released on bail as there was a long incarceration of more than 7 years with no probability of trial being completed and the case was based on a circumstantial evidence.

7) The applicant emphasizing for release on bail for delay in trial has pressed the bail application. For that he has relied on the ratio and observations in the above case laws. But looking into the facts of the above cases and the facts in the case in hand they are apparently different from each other. Moreover, in the present case, considering the seriousness and gravity of the offence Hon'ble High Court has rejected the previous bail application.

8) The applicant has moved this application on the basis of change in circumstances by delay in trial. But looking into the facts on record it is on the face of it that after the charge is framed repeated correspondence is being made to the concerned police station by the Public Prosecutor as well as the Court for production of muddemal. After continuance pursuance of the Court almost on each date the concerned police station has replied that the muddemal is pending for chemical analysis Amravati and they will file it immediately after they received it. In view of these facts it is clear that due to non production of muddemal the trial

could not commence.

9) Learned APP in his say has given in detail as to how each witness is connected with the property in question and the case cannot proceed unless receipt of muddemal and the Forensic Report. In the case of **Dalip Singh (Supra)** *Hon'ble Court has observed that in case of delay by the prosecution, which is oppressive or unwarranted, and violative of [Article 21](#) appropriate remedial orders would be required to be passed. These may include, in a given fact situation, the grant of bail. In any case, the salient features for the grant of bail would also be required to be considered. These are the gravity of the crime, the cruel mode of its execution, the nature of the offence, manner in which the occurrence had taken place, whether in any manner bail granted earlier had been misused, nature of other criminal cases, if any, pending against the accused, other convictions against the accused, the propensity and potentiality of the accused indulging in criminal activities while on bail, the likelihood of the accused absconding or otherwise interfere in the trial by influencing the witnesses or tampering with the evidence etc. These factors would require serious consideration."*

10) In present facts there is neither delay on the part of the accused nor on the part of prosecution. While considering this application the factors of grant of bail are

also required to be seen. As stated above Hon'ble High Court has rejected the earlier bail application considering the seriousness of the offence. Learned APP has also objected the bail of the accused on the apprehension of abscondance of accused on release on the bail and tampering with the prosecution evidence. These factors requires serious consideration as observed by Hon'ble High Court. At the same time continuance pursuance is being made to the concerned police station to obtain the muddemal and Forensic Report at the earliest, commence with the trial and expedite it.

11) Considering the facts especially the nature, gravity and seriousness of the offence I am not inclined to release the accused on bail. Hence, I pass the following order.

**ORDER**

- (1) Application stands rejected.
- (2) The prosecution to take maximum efforts to obtain the muddemal at the earliest and expedite the trial after the receipt.
- (3) Issue reminder letter to the concerned till receipt of Muddemal and the report.

Date : 04.09.2025.

[ M.S. Bhadane]  
Additional Session Judge,  
Akola.

..8..

**Certificate**

I hereby certify that the contents of this PDF file are same word for word as per original order:

Name of Steno : S.V. Indane  
Court's Name : Ad-hoc District Judge-1  
& A.S.J., Akola  
Date of order : 04.09.2025  
signed by P.O. : 04.09.2025  
Uploaded on : 04.09.2025