

**ORDER BELOW EXH.85 IN**  
**SESSIONS CASE NO.74/2021**

(State of Maharashtra Vs. Bhimrao @ Appa Ganpat Bhojane)  
(CNR NO.: MHAK05-000526-2021)

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This is second application for bail by accused Bhimrao, post charge-sheet under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In earlier bail application below Exh.28, the entire factual matrix has been set out in detail. The same as such, has not been repeated here.

3. The present application for bail is mainly on account of alleged delay in conducting the Trial. According to the accused Bhimrao, he has been languishing behind bar since 29.05.2021. He has suffering from ailments. He is the sole bread winner. His pre-trial incarceration is not required anymore. He is ready to abide by the conditions as may be imposed by this Court in respect of bail. As such, the prayer of bail is pressed into service.

4. The state prosecution opposed the application by submitting that, the offence is serious in nature. The Trial is getting progressed. The prosecution has taken utmost steps to proceed with the trial. As such, the application being devoid of merits, be rejected. In addition if the applicant is released on bail, the prosecution witnesses will be pressurized. The same would hamper the fair trial. On that count also rejection of bail is prayed for.

5. Points for determination and findings thereon are as follows.

	<b>Points</b>	<b>Findings</b>
1.	Does the applicant prove that, he has made out ground for bail u/S.483 of Bharatiya Nagarik Suraksha Sanhita?	No
2.	Whether the applicant is entitled to bail as prayed for ?	No
3.	What order ?	As per final order.

### REASONS

#### AS TO POINT NOS. 1 & 2:

6. While appreciating the merits of the application contentions, it is necessary to note that, the date of incident relates back to 29.05.2021. The accused is behind bars since 29.05.2021. The record reveals that, charge has been framed on 25.01.2022. The record would also reveal that, muddemal/property in the case was produced on 31.05.2024. It is accordingly evident that, till 31.05.2024 the trial could not be proceeded fruitfully as the muddemal was not before the Court. Hence, the delay in conducting the trial upto 31.05.2024 can not be imputed against the prosecution anyway. On the contrary the record reveals that, the prosecution has taken utmost steps to proceed with the trial. Minute perusal of Exh. Nos. 54, 55, 56, 57, 60, 61, 63, 66, 73, 74, 77, 78, 79 and 83 would show that, on all these counts the prosecution is diligent to take steps in praying for examination of witnesses. Therefore, the above record would show that, there is no delay on the part of prosecution to proceed with the Trial. On the contrary adjournment application at

Exh.64 and roznama dated 05.11.2024 would show that, the accused had also applied for adjournments. Record would also show that, the accused persons have changed their advocates thrice. These circumstances also ripped in delay to certain extent. The record would also show that, applications at Exh.68, 80 and 81 were moved by the accused which resulted in certain delay. These circumstances would show that, even the accused persons are responsible for certain delay.

7. To put the issue of delay at rest, the record itself would show that, the informant herself has entered into witness box. Her evidence is being recorded at Exh.86. The same is progressing. On the last date the informant could not remain present owing to illness of her daughter. Anyhow the prosecution has shown willingness to examine the informant as witness. This would show that, the trial is fruitfully progressing. Evidence of the informant is getting recorded now a days. Therefore, it can not be inferred that the trial has been stalled. Rather the trial is getting progressed.

8. Having regard to the forgoing circumstances, it is evident that, the trial could not be proceeded till 31.05.2024 as property/muddemal and CA report were not before this Court. The trial is actually getting progressed on expeditious basis. Therefore, the delay in trial by itself can not be the reason to extend the benefit of bail.

9. Ld. advocate for the accused placed reliance on the case law of **Ganesh Madhukar Mendarkar Vs. State of Maharashtra 2025 ALL MR (Cri) 837**. In the said case the accused was in custody for about 9 years. The trial had commenced in 2018 and 36 witnesses

were examined. It is material to note that, the said delay of 9 years is not the fact in this case. In the said case the applicant/accused was suffering from HIV and was under going treatment from various institutions. Same is not the case here. No overt circumstance and compelling nature about medical ailment is placed before this Court. The delay is not so long i.e. of about 9 years. Considering this factual variance, the case law with great respects is not applicable to the present case.

10. Ld. Advocate for the accused placed reliance of case law of **Santosh Pralhad Waghmare Vs. State of Maharashtra 2025 ALL MR (Cri) 1003**. In the said case there was delay of 7 years and 10 months. Here in the present case such long delay has not occurred. The trial is getting progressed before this Court. Hence, the above case law with great respects is not applicable to the present case.

11. Another case law of **Guddu Soubhan Harijan Vs. State of Maharashtra 2025 ALL MR (Cri) 849** is also not helpful to the accused as there was delay of 7 years and the trial had not commenced in the said case. However, in the present case before this Court the trial has already commenced. The delay is not such long as to 7 years. Therefore, the above case law with great respects is not applicable.

12. So far as case law of **Niklesh Prakash Patil Vs. State of Maharashtra 2025 ALL MR (Cri) 2476** is concerned there was delay of 7 years and 8 months. In the said case also the trial had not commenced. The said factual matrix is not before this Court. Here the delay is not so long. The trial has already commenced. Evidence of the informant is getting progressed. On that count, the above case law is

of no utility to the accused.

13. Having regard to the forgoing factual and legal matrix, the applicant/accused person is not entitled to bail. The trial has already being expedited. The prosecution is directed to examine the witnesses at the earliest. Hence, the order.

**ORDER**

- 1 Application is rejected.
- 2 Trial is expedited.

Place : Akot,  
Date : 12.08.2025.

**(B. M. Patil)**  
Additional Sessions Judge,  
Akot.