

Order below Esh. 15 in Session Case no 29/2015

- 1) This is an application filed by the accused Baburao Subhdeo Gawai to released on bail.
- 2) The application has been resisted by the learned APP filing say overleaf the application.
- 3) Mr. D.Y. Wakode learned advocate for the accused submitted that since last one year accused is behind bar but no trial has been commenced. He submitted that accused is suffering from chest pain and other disease. He submitted that accused is having 200 shis and nobody to look after them. He further submitted as per list of witness no independent witness is there and all witnesses are family members of complainant. Accused is ready to co-operate for speedy trial and abide each and every condition imposed if he released on bail. Hence, he urged to release the accused on bail.
- 4) On the other hand learned APP Mr. P.T. Lahudkar has argued as per the say.
- 5) I have considered the submission of both sides. perused the application and say. I have gone through the entire chargesheet.
- 6) Accused is facing trial for the offence punishable under sections 64(A), 7h, 75, 115(2), 351(2) (3) of BNS as under trial prisoner. His bail application was rejected by this Court. Thereafter, accused approached before the Honble High Court seeking bail by filing criminal Application (C.A) No 604/2015. The Honble Bombay

High Court Bench at Nagpur considering the nature of offence declined to grant bail to the applicant vide order dated 06-2-2025 and directed this Court to conclude trial within 9 months.

7) In the light of above aspects present application is not maintainable. Moreover, present application is filed on 23-3-2025 i.e. after declined to release on bail by the Honble High Court. There is sufficient material against the accused. Alleged offence is serious offence. No documents regarding illness is placed on record. Present application is filed only to prolong the trial. Today accused was produced before the Court physically but apparently not shows that he is suffering from illness. Moreover, if he is ill then medical treatment can be provided in Jail. In the light of above reasons I am not inclined to release the applicant on bail. Hence application deserves to be rejected. In result I pass the following order:

order

- 1) The application Cth. 15 is hereby rejected.
- 2) APP & Advocate for accused to co-operate for speedy trial.

Date 04-4-2025

W. B. Jadhav  
 14/4/2025  
 Additional Sessions  
 Judge Khargone