

MHKO080005092024



Order Below Exh. 30 in Sessions Case No.20/2024

[State of Maharashtra Vs. Shridhar Arjun Shingate]

1. The accused No.1 Shridhar Arjun Shingate has moved the present regular bail application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS” for short) for releasing him on bail.

2. It is stated in the application that, the applicant/accused is permanent resident of Inchanal, Tal. Gadhinglaj. The FIR No.353/2024 is registered against him on 05/06/2024 under Sections 376, 323, 506 read with 34 of the Indian Penal Code, 1860 (“IPC” for short) with Gadhinglaj Police Station. He was arrested on 14/09/2024. At present he is in judicial custody.

3. It is also stated in the application that, he had moved his first bail application on 19/09/2024, however, the same was rejected by this Court on 08/10/2024. The second bail application filed after the charge-sheet on 29/11/2024 was also rejected by this Court on 23/12/2024. Now, charge has been framed on 15/01/2025 and since then the matter is pending for compliance by the prosecution. It is also stated that, the sufficient time has been granted for compliance by this Court to the prosecution, however, there is inordinate delay on the part of the prosecution to proceed with the trial. The accused is in Jail since his arrest. His mother is seriously ill. There is change in circumstances, therefore, the applicant-accused has preferred the present bail application mainly on the ground that, there is delay in

proceeding with the trial and secondly on the point of illness of his mother. Hence, the bail application.

4. The bail application is strongly opposed by the State by filing say at Exh.32. It is stated that, there is criminal antecedents against the accused. The conduct of the accused is not cooperative at the time of investigation. The anticipatory bail application filed by the accused was rejected by this Court. Then the accused has preferred anticipatory bail application before the Hon'ble Bombay High Court bearing its No.2127/2024, which was rejected on 30/08/2024. Hence, prayed to reject the application.

5. The first informant and victim filed her affidavit at Exh.34 and opposed the bail application stating that, the mother of applicant/accused is not seriously ill. More so, she is residing with her joint family and there are other members to look after her. If the accused is released on bail, there is threat to her life and he may pressurize her and also influence the prosecution witnesses. Hence, opposed the bail application.

6. Heard Ld. Counsel, Shri. A.T. Matala for applicant/accused. He pointed out that, since 9 months the applicant/accused is in Jail. The charge is already framed at Exh.24 on 15/01/2025. Five months have been elapsed since framing of the charge, but the prosecution did not take any steps to proceed with the trial. He pointed out that, the accused in under trial prisoner and his trial must be expedited as early as possible. Unnecessary incarceration of the accused resulting injustice on him. He is behind bar without trial. He also submitted the medical certificate of mother of the applicant/accused in support of his contentions raised in the bail application and submitted that, the accused may be released on bail considering this humanity ground as being son he is bound to look

after to his age old mother during her illness. He also submitted that, the applicant/accused will cooperate with the Court to dispose of the present trial as early as possible. He will not influence the prosecution witnesses. He will not pressurize the first informant. He will not misuse the liberty, if granted by this Court. Thus, prayed to release the applicant/accused on bail.

7. The bail application is strongly opposed by the Ld. APP. During his course of arguments he pointed that, there is progress in the trial. The prosecution has filed on record the C.A. report. Application under Section 294 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short) is already moved. The matter is posted for evidence. He also submitted that, the matter can be expedited with the cooperation of the Ld. Defence Counsel. Therefore, he submitted to reject the application.

8. It is matter of record that, this Court has rejected the anticipatory bail application of the applicant/accused. The applicant/accused also moved to the Hon'ble Bombay High Court seeking anticipatory bail, which is also rejected. Thereafter, the regular bail application moved by the applicant/accused before filing of charge-sheet is also rejected by this Court. The another bail application moved after the charge-sheet is also rejected by this Court on merits. Therefore, so far as merit of the case is concerned, the bail application is already decided by this Court considering the merit of the case.

9. Now, the accused has come up with a case of delay in trial and illness of his mother. So far as the illness of the mother of the applicant/accused is concerned, the medical papers are filed on record. They disclose that, his mother is suffering the illness relating to her age. So far as the alleged delay in trial is concerned, C.A. report are filed on record vide Exh.35. The notice under Section 294 of the

Cr.P.C. is issued by the prosecution at Exh.39 and thus, the matter is ready for trial. Both the Ld. Counsels submitted at bar that, they will cooperate the Court to dispose of the present trial at the earliest considering the applicant/accused is in Jail since 9 months. Thus, in view of above facts and circumstances, it would not appropriate to release the accused on bail. Hence, the following order is passed -

ORDER

- 1) The bail application is rejected.
- 2) Both the prosecution and the defence to cooperate the Court to dispose of the trial at the earliest.
- 3) The matter be expedited.

Gadhinglaj.
Date:- 25/06/2025.

(M. A. Shinde)
Additional Sessions Judge,
Gadhinglaj.