

**CNR: MHLA010005882025**

**ORDER BELOW EXHIBIT NO.77 IN S.C.NO. 45/20205  
(State Vs. Gaurav @ Jyotiba and oths.)**

1. The applicant/ accused nos.1 & 3 Gaurav and Chandrakant have filed this bail application under Section 439 of Cr.P.C. The applicants are in jail.
2. The prosecution in brief is thus, on 18.10.2024 the accused persons in furtherance of common intention of all had beaten Arjun with sticks to death on pre-existing disputes.
3. The applicants- accused nos.1 & 3 have prayed for grant of bail materially on the grounds that the trial is not speedily proceeding. The informant's side took into possession the land under dispute by depriving the accused from livelihood. The applicant- Chandrakant allegedly indulged in the crime only by holding the injured person. Even the prosecution alleges many accused had beaten with sticks to the injured, still he sustained only one injury to his head. Thus, entire prosecution is found based upon the pre-existing rivalry among the present rival sides. The family members are dependent upon accused Chandrakant for their livelihood. Therefore, the applicants are entitled for grant of bail.
4. The I.O. and APP. has replied vide ext. 79 materially by re-iterating aforesaid prosecution case. They additionally submit that previously existing many criminal cases in the fraction of applicant and informant resulted lastly into this serious crime of

murder. The dispute was going on pertaining to possession of agricultural land. Prosecution has already initiated recording of evidence. Hence releasing the applicants at this stage will pressurize the prosecution witnesses. Therefore, application needs to be rejected.

5. I have heard arguments of Ld. Adv. Mr. Y.D. Jagtap for the applicant and Ld. APP Mrs. S. B. Kadam for the State. They have reiterated the aforementioned respective cases. Thus, also after perusing the record, the points arise for determination are answered for the reasons as under:

POINTS		FINDINGS	
1)	Whether the applicant is entitled for grant of bail under Section 439 of Cr.P.C., by allowing application Ext. 77 ?	...	No.
2)	What is order ?	...	As per final order.

### REASONS

#### AS TO POINT NO. 1 :

6. Admittedly, this is the 3<sup>rd</sup> successive bail application of applicant- Gaurav and 2<sup>nd</sup> bail application of applicant- Chandrakant. The previous bail applications were not only rejected by this Court but by Hon'ble High Court also. I have perused the order respectively in Bail application no.336/2025 dated 19.03.2025 and Bail application no. 945/2025 dated 15.09.2025. The record reveals that those bail orders have been

passed after filing of the present charge-sheet. Thereafter the recording of prosecution evidence in the present case has been proceeded and 4 witnesses have been examined. In present situation therefore no change of circumstances is found after passing of the bail orders after rejecting the bail applications of present applicants. On this ground apparently the present bail application is also not maintainable. Long incarceration of the present applicants is made grounds for grant of bail. It is the part of record that the present applicants were respectively arrested on 23.10.2024 and 25.11.2024. Thereafter the charge-sheet was filed in June 2025. The prosecution since then has examined four witnesses. At this stage in given situation commenting the merits of the case will be the pre-judgment decision of the court. It is part of record that frequently the quarrels and disputes were held among the present fractions of the informant and accused persons on the case of possession over the agricultural land. Hon'ble High Court observed while rejecting bail to applicant Chandrakant that he committed present crime of murder when he was on bail in the crime U/s. 307 of I.P.C. In such grave and heavily incriminating history the applicants can not be released on bail, because it will not only pressurize the prosecution witnesses but also the verdict is contrary to the earlier orders passed by Hon'ble High Court for rejecting bail to the present applicants in given situation.

7. Adv. Y.D. Jagtap has tried to argue on the merits of the case by perusing the investigation papers in the charge-sheet. However, as the bail applications of present applicants have been

rejected successively by this court and Hon'ble High Court after perusing the same investigation papers, said argument is hardly constitute any ground to grant bail. The application reveal one of the grounds of the illness of applicant Chandrakant. However, nothing is found on record even in the reply of the I.O. about such health condition of applicant Chandrakant, even otherwise certain directions in that regard if sought could be given as required. Therefore, said ground is not found reliable at this stage.

8. So, about the longer incarceration of present applicants is considered as a ground of present bail application, the trial can be expedited. In this situation merely the so-called incarceration in the present crime like murder will not give entitlement for grant of bail to the present applicants. As the material witnesses have been examined by the prosecution, the trial in this situation can be expedited and concluded shortly. In this situation the applicants are not entitled for grant of bail. I therefore, pass the order as under:

**O R D E R**

The application **Ext. 77** is rejected.

**( R.R. Bhosale )**

Additional Sessions Judge,  
Latur.

Date : 16.01.2026.

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"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

(Hariba R. Shinde)  
Stenographer (Grade-1)  
NAME OF STENOGRAPHER

Name of the Judge(With Court Room No.) :	Shri R. R. Bhosale, Additional Sessions Judge, Latur.
Date for pronouncement of Judgment/Order:	16.01.2026
Judgment/Order signed by P.O. on:	16.01.2026