

: ORDER BELOW EXH.25 IN SESSIONS CASE NO.41/2022 :
(CNR No. MHRG15-000414-2022)
(Passed on 05.08.2025)

1) This is second application seeking regular bail, made by accused **Mangesh Sadanand Yadav**, concerning the offence punishable under sections 302, 201, 323, 324, 504 r/w. section 34 of the Indian Penal Code, 1860 (for short, "I.P.C."), in Crime No.43/2022 (Sessions Case No.41/2022) registered with Mahad MIDC police station.

2) It is contended that in the testimony of informant (P.W.1) cited as an eye-witness, nothing incriminating against the accused came on record. There is no reason to continue detention of the accused. There is no progress in the case. Accused is in the custody from 21.04.2022 and he is innocent. The motive to commit the crime has not been established. There are no criminal antecedents against the accused. The accused is the only earning member in the family. He is ready to abide by all the conditions. It is submitted that the previous bail application came to be rejected on 11.04.2023. First witness was examined on 10.01.2025. Thereafter, there is no progress in the matter. It is submitted to allow the application.

3) Ld. A.P.P. for the State, opposed the application by filing say (Exh.26). It is contended that the offence committed by the accused is of serious nature – a murder. There is *prima facie* evidence against the accused. The case is part-heard. Blood

stained clothes came to be recovered at the instance of the accused. The weapon used by the accused in commission of the crime has been seized from a witness Mangesh Hiranman Salunkhe, and it is identified by him before the Court. Hence, the application may be rejected.

- 4) Heard both sides and perused the record.
- 5) Ld. Advocate Mr. A. C. Bhate for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, iterated the contentions made in the application and say, respectively.
- 6) Ld. Advocate for accused would submit that the testimony of P.W.1 does not indicate that this accused committed murder or participated in that crime. It is submitted that further detention of the accused is not necessary. There is no progress in the trial. Hence, the application be allowed.
- 7) The Ld. A.P.P. would submit that the prosecution is ready to conduct the matter expeditiously. The report and statements are against the accused. The evidence cannot be looked into at this stage. The *prima facie* material is against the accused and the previous bail application has been rejected considering all these aspects. It is submitted to reject the application.
- 8) It is seen that on 11.04.2023 my Ld. Predecessor was pleased to reject the bail application observing that there appeared to be an eye-witness to the incident. The active role alleged

against this accused has been narrated in the order. Considering the seriousness of the offence and chances of tampering evidence, the application was rejected.

9) It is seen that evidence of one witness has been recorded. Many times accused has not been produced before the Court. The report of issuance of summons also did not come on many dates. Even then the summons served witness did not appear. The miscellaneous applications including for release of seized property also were filed. At present there is only one Additional Sessions Judge at Mangaon. There are many Under Trial Prisoners' cases and more than 100 Under Trial Prisoners are there. Electricity disconnection occurs many times, thereby regular work is hampered.

10) In above circumstances, it can be said that there is a systemic delay. However, looking to the gravity of the offence, *prima facie* material against accused and that detail scrutiny of evidence and mini trial is not warranted, the accused is not entitled to be released on bail, as sought.

11) The previous bail application had been rejected mentioning specific reasons and alleged role of accused in commission of the crime. It cannot be said that the accused made out grounds for his release on bail in such a heinous offence.

12) All other aspects need not be gone into details at this stage. Hence, the following order:-

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: O R D E R :

The application Exh.25 is rejected.

Mangaon.
Date: 06.08.2025.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.