

MHSN040000662024

**Special Case No. 03/2024**

The State of Maharashtra - Complainant.  
Vs.  
Ankit Naresh Rathor & anr. -Accused

**ORDER BELOW EXH. 48**

1] This is second application for regular bail under section 439 of Cr.PC. by applicant/accused Ankit Naresh Rathor after filing of the chargesheet in connection with Crime Reg. No. 285/2023 registered by Ashta Police station for the offences punishable under section 302,504 r.w. 34 of the Indian Penal Code & sec.3(2)(va) of SC and ST (Prevention of Atrocities) Act.

2] Perused the application and say given by State. Heard learned Advocate Kharat for the accused and learned A.P.P. Shri. R.S. Patil for the State.

3] So far as the merits of the case, first application for bail of the applicant was already rejected by this court on merit. This application is principally on the ground of long incarceration in view of the liberty given by the Hon'ble High Court to the applicant to file fresh application if there is no substantive progress within one year.

4] Advocate Kharat for the applicant by taking me through roznama and the stages argued that because of the delay caused by prosecution there is no effective progress in the trial and only one witness is examined from the date of the order passed by Hon'ble High Court on 30-09-2024. He submitted that applicant is ready to abide any condition if imposed and also ready to stay out of limits of Ashta city.

5] While opposing the bail application the learned A.P.P. submitted that there is progress in the trial after order passed by the Hon'ble High Court on 30-09-2024. The charge was framed, application under section 294 of Cr.P.C. alongwith with list of witness was given by the prosecution. One material witness i.e. informant who is real sister of deceased is already examined. Since the muddemal property was not received from Chemical Analyser, the trial could not proceed as the property was necessary to show the witnesses and the steps were promptly taken by the prosecution to call said property from Chemical analyzer. When the property was received from the Chemical Analyser, it was the accused who moved the application which caused further delay. He prayed for rejection of the application.

6] At the outset I may note the Hon'ble High Court order dated 30-09-2024 shows that the Hon'ble High Court was not inclined to interfere with the order passed by this

court at that stage. The Hon'ble High Court has granted further liberty to the applicant to file fresh application if there is no substantial progress made in the case within one year. The record shows that after said order the charge came to be framed against accused on 18-12-2024. On 06-01-2025 the prosecution moved application under section 294 of Cr.P.C. The say of the accused was called. Accused did not give say on the same day nor the say was given on next date i.e. 28-01-2025. Finally on 11-02-2025 court passed order of no say on the application under section 294 of Cr.P.C. Exh. 34. The witnesses were directed to be called and intimation was issued on 19-04-2025 and evidence of first witness for prosecution Exh.38 was recorded on 09-05-2025. Thereafter, on 17-06-2025 the prosecution moved application Exh.41 for adjournment as muddemal property was not received from the office of Chemical Analyser. Then on 16-07-2025 the prosecution moved application for witness summons to Chemical Analyser for production of Muddemal property which shows that prosecution had taken steps to have progress in the trial. On 18-08-2025 C.A. report was filed on record. On the same day accused moved application Exh. 44 for supply of copy of electronic evidence i.e. CCTV Footage and then the matter came to be adjourned for compliance of the order of supply of electronic evidence to the accused. As per the oral submission of both advocates finally on 17-10-2025 i.e. last date those copies were given to

the accused. I may note, the record not only shows that the prosecution has promptly examined witness and also moved an application 294 of Cr.P.C. it also took efforts to bring on record the C.A. report and muddemal property. Therefore, it can not be said that prosecution has caused delay in the matter. The delay can also be attributed to the conduct of accused as say was not given to the application under section 294 of Cr.P.C. Exh.34. Similarly the grievance as to non receipt of copies of electronic evidence was raised late on 18-08-2025. This grievance could have been raised by the accused immediately when the chargesheet was filed before the Special Court and set of the document filed with chargesheet was received by the accused. Thus in the facts and circumstances I find that till the date though only one witness is examined in the case by the prosecution, said witness is material witness i.e. informant and not a formal panch witness as it is the case in the judgment relied by the learned adv. For the application in the case of **Digambar Uddhav Supekar Vs. State of Maharashtra Criminal Appeal Nos. 221-222/2022** The record shows that the prosecution has taken prompt steps at regular intervals, the material witness is examined. The prosecution has secured the muddemal property and the C.A report of Forensic Science Laboratory and supplied the copy of the electronic evidence. Under these circumstances I find accused has not made out the case for grant of bail. Hence the following order-

**ORDER**

- 1] Bail application Exh.22 filed by Ankit Naresh Rathor in connection with Crime No.285/2023 registered by Ashta Police Station under section 302, 504 r.w. 34 of I.P.C. and sec. 3(2)(va) of SC and ST ( Prevention of Atrocities) Act is rejected.
  
- 2] Inform the Jail Authority and District Legal Services Authority Sangli accordingly.

Date : 27/10/2025.

( Aniruddha Y. Thatte.)  
Additional Sessions Judge and  
Special Judge, Islampur