



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 603 OF 2024

Gaurav Bandu Patil

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Salunke Sudarshan J

APP for Respondents/State : Mrs. M.L. Sangit

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CORAM : S.G. MEHARE, J.

DATED : APRIL 19, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. It is a unique case of non-production of the accused for 70 times from the jail to the Court even after show notice of the Trial Court. A picture was created that the accused was shifted to Nashik Jail. However, report of the Superintendent, District Prison, Jalgaon show that due to Covid, the applicant was shifted to the Nashik Jail to avoid overcrowding. However, on 22.11.2022, he was again shifted to Jalgaon prison. Hence, the burden is on the prosecution why the prosecution did not produce him before the Court for progress of the trial.
3. The applicant has a case that for around 70 dates, he was not produced before the Court. Hence, he deserve bail.

4. Though the prosecution is opposing the application on the ground that the offence is serious, it has no explanation for his non-production of the accused before the Court for 70 dates. It is a sheer failure of the prosecution to produce the accused before the Court for framing the charge and progress of the trial. In many cases, the Hon'ble Supreme Court took a view that where the trial is protracted for no fault of the accused and there is no effective progress in the trial, bail should be granted.

5. Considering the facts and circumstances of the case, this Court is of the view that though the offences are serious, this is a fit case for grant of bail. Hence, the following order :

ORDER

(I) The application is allowed.

(II) The applicant, Gaurav Bandu Patil, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- with one solvent surety of the like amount in Crime No.146 of 2020 registered with Mehunbare Police Station, District Jalgaon for the offences punishable under Sections 302, 307, 323, 324, 504, 506, 427, 452, 352 r/w 34 of the Indian Penal Code and Section 4/25 of the Arms Act, on the condition that he shall not tamper with the prosecution evidence.

(III) The applicant shall not stay in his village and shall not enter the village without the leave of the Trial Court, till conclusion of the trial.

(IV) The applicant shall attend the trial on each and every effective date and co-operate with the prosecution.

(S.G. MEHARE, J.)

Mujaheed//