

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2207 OF 2014

Rajesh Shamlal Salunke Applicant
Vs.
The State of Maharashtra Respondent

Mr. A.H.H. Ponda i/by Mr. Shailesh Kharate, Advocate for the applicant.

Mr. A.R. Patil,, APP for the State.

Coram : Smt. R.P. SondurBaldota, J.

Date : 17th March, 2015.

P.C.

1 The applicant herein was arrested on 10th July, 2011 in C.R.No.258 of 2011, registered with Sahkar Nagar Police Station, Pune for having committed murder of one Abhijit Hendre and attempted to commit murder of the complainant, Prathamesh Gajanan Shringarpure. His application for bail was rejected by this court by the order dtd. 6th March, 2013 on the ground that there is a specific role assigned to him in the offence and there is an eye witness to the incident. The applicant is alleged to have assaulted the deceased on his head with sickle and the impact was so severe that the skull of Abhijit was broken and a piece of it was found missing during post mortem.

2 By this application, the applicant seeks regular bail on the ground of extensive delay in commencement of trial. It has been complained by the applicant that since the date of dismissal of the last application, i.e. 6th March, 2013, the sessions trial has not made any progress whatsoever. Not even the charge has been framed. Mr. Ponda, the learned advocate appearing for the applicant however states that the applicant desires to restrict the application for temporary bail for a period of six months on humanitarian grounds.

3 The sister of the applicant one Gita Vikas Parmar is suffering from “End Stage Renal Disease” and needs to undergo dialysis regularly. Mr. Ponda states that the doctors have infact advised kidney transplant for her and that the applicant, who shares the blood group with her is willing to donate his one kidney so as to save her life. The entire medical record relating to the sister is annexed to the application. It is clear from that she is suffering from “End Stage Renal Disease”. Considering the circumstances of the case and the serious health issue of the sister of the applicant, I am inclined to allow the application and to grant temporary bail for a period of six months to the applicant, starting from the date on which he is released on bail.

O R D E R

- 1) The applicant be released on temporary bail in C.R.No.258 of 2011, registered with Sahkar Nagar Police Station, Pune, in the sum of Rs.50,000/- with one or two sureties in the like amount. The period of bail shall be of six months from the date of his release.
- 2) The applicant shall not enter the jurisdictions of Sahakar Nagar Police Station, where the incident of murder had taken place and the jurisdiction of Bharati Vidyapeeth Police Station, where the key witness i.e. the complainant resides.
- 3) The applicant shall attend Bibvewadi Police Station thrice a week i.e. on Monday, Wednesday and Friday, between 10.00 am to 2.00 pm. except for the days when he has to attend the Sessions Court for the trial in C.R. No.258 of 2011 and when he needs to be hospitalised for kidney transplant.
- 4) The applicant shall communicate his place of residence during the period of release on bail to Sahakar Nagar Police Station and Bibvewadi Police Station. In case

of transplant of kidney, he shall also inform both the police stations the name and address of the hospital where he will have to get admitted and duration of his hospitalisation.

5) He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or to any police officer. The applicant shall not leave India without the previous permission of the court.

(Smt. R.P. SondurBaldota, J.)