

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 1536 OF 2021**

Ravindra @ Rajendra Mangave

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Sanjiv Kadam a/w. Mr.Rushikesh Patil for Applicant.

Mrs.Veera Shinde, A.P.P. for Respondent-State.

PHC/21805 Mr.D.D. Sanap, Shirol Police Station is present.

CORAM : A.S. GADKARI, J.

DATE : 7th April 2022.

PC. :

1. This is successive application for bail under Section 439 of the Criminal Procedure Code (for short, "Cr.PC.") in C.R. No. 59 of 2015 dated 2nd September 2015 registered with Shirol Police Station, District - Kolhapur for the offence punishable under Sections 302, 504, 506 read with 34 of the Indian Penal Code.

2. Heard Mr.Kadam, learned counsel for the Applicant and Mrs.Shinde, learned A.P.P. for the State. Perused record.

3. The earlier application for bail bearing Bail Application No. 1094 of 2017 preferred by the Applicant was rejected by this Court by an Order dated 8th September 2017.

4. Record indicates that, by Order dated 16th November 2016 passed in Criminal Bail Application No. 1663 of 2016, this Court had expedited the trial of the present case. By a subsequent Order dated 8th September 2017, this Court had further directed the Trial Court to make an endeavour to conclude the trial of the present case within a period of one year from the date of receipt of the said Order.

5. Mr.Kadam, learned counsel for the Applicant, on instructions, submitted that, the charge in the present case i.e. Sessions Case No. 2 of 2016 pending on the file of Additional Sessions Judge, Jaysingpur has been framed on 20th August 2018 and thereafter the prosecution has not examined even a single witness in last more than three and half years. He submitted that, the Applicant is in jail approximately for last more than six and half years and no purpose will be served by further keeping him in incarceration.

6. Learned A.P.P. submitted that, there are five child witnesses to the present crime and if the Applicant is released on bail, there is every possibility that, he may either pressurize them or threaten them to resile from their statements recorded under Section 161 of the Criminal Procedure Code (for short, "Cr.P.C."). She therefore prayed that, the Applicant may not be released on bail.

7. Record indicates that, in the interregnum out of said five child witnesses, three child witnesses have become major.

8. It is an admitted fact on record that, by an Order dated 16th November 2016, initially this Court had directed that, the trial of the present case i.e. Sessions Case No. 2 of 2016 be expedited. By a subsequent Order dated 8th September 2017 passed in Bail Application No. 1094 of 2017, this Court had directed the Trial Court to make an endeavour to conclude the trial within a period of one year from the date of receipt of the said Order. In this background, till date the prosecution has not taken any pains either to expedite the hearing of the trial or to conclude it within the stipulated period. That charge in the present case has been framed on 20th August 2018 and as per the submission of the learned counsel for the Applicant, since then not a single witness has been examined by the prosecution.

9. Apart from that, perusal of chargesheet would indicate that, the role attributed to the Applicant is that he initially threatened the witnesses present at the scene of offence and subsequently held legs of the deceased Mahavir D. Mangave, while other accused persons assaulted him with stones, fists and kick blows.

10. Perusal of record indicates that, the Applicant is behind bars for last more than six and half years and no fruitful purpose would be served by keeping the Applicant behind the bars further, during the pendency of the trial. He therefore can be released on bail by imposing stringent conditions upon him.

11. Hence, following order.

- (i) Applicant be released on bail in connection with C.R. No. 59 of 2015 dated 2nd September 2015 registered with Shirol Police Station, District - Kolhapur on his furnishing PR bond in the sum of Rs.25,000/- with one or more local sureties in the like amount.
- (ii) After his release from Jail, the Applicant shall not enter jurisdiction of Shirol (Jaysingpur), Hatkanagale and Karvir Police Station and shall keep himself away from it, except for marking his presency at Shirol Police Station and attending the Court proceedings at Jaysingpur as has been directed herein below.
- (iii) After his release from Jail, the Applicant shall attend Shirol Police Station on every first Monday of the month between 11.00 am and 2.00 pm and shall mark his presency.
- (iv) Applicant shall also attend all the dates before the Trial Court, unless precluded on medical ground.
- (v) Applicant is directed to remove himself immediately after marking his presency at Shirol Police Station so also after attending the Court proceedings at Jaysingpur on stipulated dates.
- (vi) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]