

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 833 OF 2022

Pankaj Channapa Waghmare ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi instructed by Mr. Pratik Jadhav for the Applicant.

Ms. Veera Shinde, APP for the State.

PHC S.A. Holkar, Vishrambaug Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 3 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 308 of 2018 registered at Vishrambaug Police Station, Sangli for the offences punishable under Sections 302, 120-B, 109, 143, 144, 147, 148, 149, 323, 506, of Indian Penal Code and Sections 4 r/w. 25, 27 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The bail is sought on the ground of prolong incarceration as an undertrial. The learned Counsel for the applicant submits that the applicant is in jail for more than four years. It is submitted that the trial is still at the stage of framing of charge. The learned Counsel for the applicant in support of the said ground has relied upon the Judgment in *Indrani Pratim Mukerjee v. Central Bureau of Investigation & Anr.*¹. The learned Counsel for the applicant further submits that this Court has released the co-accused - Adarsh Ramesh Mohite on bail. It is submitted that even on the ground of parity, the applicant is entitled to be released on bail.

5. On the other hand, the learned APP submits that there are eye witnesses to the incident. It is submitted that the present applicant assaulted the deceased by stone on his head and cause of death is head injury. It is submitted that the applicant is involved in six more crimes.

6. I have perused the statements of eye-witnesses. Considering the role attributed to the present applicant by the eye-witnesses and as he is involved in six more crime, I am not inclined to release him on bail. Hence, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)

1 2022 ALL MR (Cri) 2282 (SC)