

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 801 OF 2022

Santosh Bhairinath Shinde
VS.

..Applicant

The State of Maharashtra

..Respondent

Mr. R.D. Suryawanshi a/w Roshan Hule a/w Suraj Naik for the Applicant.

Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant- Santosh Bhairinath Shinde in connection with C.R. No.I-11 of 2015 dated 18/01/2015, registered with Vishnu Nagar Police Station, under sections 302, 147, 143, 148 and 149 of the Indian Penal Code, 1860 ("IPC" for short) and sections 37(1) and 135 of the Mumbai Police Act.

3. The date of the incident is 18/01/2015. The applicant came to be arrested on 19/01/2015. The applicant is in custody for more than 8 years. The trial has commenced. Witness no. 1 is under examination. The prosecution proposes to examine 59 witnesses in total or lesser. The

trial is, in any case, not likely to conclude any time soon.

4. So far as the accusations are concerned, from the materials, it is seen that 2 groups were fighting. When the fighting was going on, the deceased was informed by one of his friends not to interfere. The deceased, however, went up to the applicant and started assaulting him. The applicant then took out a knife and gave blows which resulted in the offence under section 302 of the IPC.

5. Considering the materials on record, the long incarceration of the applicant and as the trial will take a long time to conclude, the applicant can be released on bail. There is one criminal antecedent under section 324 of the IPC reported against the applicant. Having regard to the length of the period of time the applicant has spent in custody, the nature of the antecedent is not sufficient to deprive the facility of bail to the applicant. Hence, the following order.

ORDER

(a) Applicant- Santosh Bhairinath Shinde in connection with C.R. No.I-11 of 2015, registered with Vishnu Nagar Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant is permitted to furnish temporary cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety;

(c) The applicant 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 the facts to Court or any Police Officer. The applicant shall not tamper with evidence;

(d) The applicant shall report to the concerned police station once a month i.e. on first Monday between 11.00 a.m. and 1.00 p.m;

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(f) The applicant shall attend the trial Court regularly on the dates fixed;

(g) The applicant shall reside outside the vicinity of Dombivali and except for the purpose of attending the police station, the applicant shall not enter Dombivali, till the trial concludes.

6. The application stands disposed of.

(M. S. KARNIK, J.)