

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1291 OF 2023

Rishikesh Tatyaba Yadav	.. Applicant
Versus	
State of Maharashtra	.. Respondent
...	

Mr. Kabul Singh Labana for the applicant.
Mr. S.R. Agarkar, APP for the State.
Mr. B.D. Pawar, PSI, Kalyan Taluka Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 26th OCTOBER, 2023

P.C:-

1 Heard the learned counsel for the applicant, who has canvassed his submission in support of the application, which is preferred for the second time, the first being permitted to be withdrawn on 19/08/2022, by reserving the liberty to move the Court once again, if the charge is not framed within period of six months.

It is informed that the charge is framed in the month of December, 2022.

2 The learned counsel would submit that in connection with the offence, which has invoked Section 307 of IPC, he has been incarcerated for three years, on being arrested on 23/10/2020 and till date trial has not commenced, and the prosecution having cited 35 witnesses to be examined, the

likelihood of the trial being concluded within the shortest time is appear to be unfeasible.

The learned APP, Mr. Agarkar, do not dispute that 35 witnesses are cited, but he would submit that the number of the prosecution witnesses, if required may be minimized.

3 I have once again applied my mind to the material compiled in the charge-sheet and though, I cannot come at a conclusion different than the one, which I expressed on 19/08/2022, that it is the applicant, who is the assailant, as the case of the prosecution has clearly surfaced in the charge-sheet. From the version of the complainant it is the applicant, who assaulted Vijay Sarode, and injured him, by means of a weapon like knife and there are three injuries on account of the said assault. Undisputedly, the injuries are attributed to the present applicant and the case is clearly made out in the charge-sheet.

4 However, considering the long period of incarceration i.e. of three years, since the trial is likely to consume considerable time, I deem it appropriate to release him on bail. This is however, subject to the condition, that he shall not in any way threaten the complainant/ the injured and other prosecution witnesses.

The learned counsel on instructions make a statement that the applicant shall cease to reside in Tal. Kalyan, Dist Thane and he shall reside in Chembur, during the period of trial.

Accepting the above statement, I deem it appropriate to pass the following order:

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Rishikesh Tatyaba Yadav shall be released on bail in connection with C.R.No. I-426 of 2020 registered with Kalyan Taluka Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) On his release on bail he shall reside in Chembur and shall mark his attendance on first Monday of every month between 5:00 p.m. to 6:00 p.m in Chembur Police Station.
- (d) The applicant shall not step in Tal. Kalyan Dist. Thane except on one day after his release to mark his attendance and for furnishing his address at Chembur along with contact number.
- (e) 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 them from disclosing the facts to Court and shall not tamper with prosecution evidence.
- (f) The applicant shall attend the trial on regular basis. In case of failure to attend the trial on two occasions, the fact of his absence shall be brought to the notice of the concern Judge, who shall thereafter take appropriate steps.

(SMT. BHARATI DANGRE, J.)