



Diksha Rane

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

BAIL APPLICATION NO.1287/2023

SAUDAGAR SUDARSHAN TANDI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Nitin Shejpal a/w. Adv. Pooja N. Sejpal, Adv. Akshata B.
Desai for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 2023.

P.C. :

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

2. This is an application for bail in respect of the offence
punishable under Sections 302 read with 201 of the Indian
Penal Code (hereafter 'IPC' for short) registered on
27/4/2019 vide C.R. No.301/2019 with Manpada Police
Station, Dombivali (corresponding FIR No.I-168/2019,
Dombivali Police Station).

3. The date of the incident is 26/4/2019. The applicant
was arrested on 30/4/2019. As per the prosecution case, the

applicant has killed the deceased with a knife. The post-mortem notes reveal that the cause of death is due to haemorrhage and shock due to cut throat injury.

4. Learned APP while opposing the present application for bail submitted that there is a recovery of knife at the instance of the applicant from the construction site where he was working. She further submitted that there is an extra judicial confession of the cousin brother of the applicant before whom the applicant confessed that he had committed the present offence. Learned APP further submitted that the motive for committing the offence is that the deceased had robbed the money belonging to the applicant on two-three occasions and therefore, the applicant committed the offence.

5. The applicant was arrested on 30/4/2019 and now is in custody for more than four and half years. Though the charge was framed on 8/4/2022 but for the last one year and seven months not a single witness has been examined. The case is entirely based on the circumstantial evidence. Considering that the applicant is in custody for more than four and half years with no possibility of the trial concluding

any time soon, along with the fact that there are no criminal antecedents reported against the applicant, the applicant can be enlarged on bail. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Saudagar Sudarshan Tandi in connection with C.R. No.301/2019 with Manpada Police Station, Dombivali (corresponding FIR No.I-168/2019, Dombivali Police Station), shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Manpada police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (d) 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.

(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 regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall not leave the State of Maharashtra without prior permission of the trial Court.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)