

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1483 OF 2023

Ajay @ Bedkya Kamble .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Satyam Harshad Nimbalkar with Mr. Abhishek U. Arote and
Mr. Omkar R. Chitale for the applicant.
Mr. Y.M. Nakhwa, APP for the State.
API R.J. Vharkate from Chinchwad police station.

CORAM: BHARATI DANGRE, J.
DATED : 8th NOVEMBER, 2023

P.C:-

1 The Bail Application filed for the second time is premised on a long period of incarceration having been arrested on 9/10/2019 in connection with C.R.No. 395/2018 registered with Chinchwad police station, which accuse him of committing an offence under Sections 307, 143, 147, 148, 149 of the IPC and under Section 37(1) r/w Sections 135 of the Maharashtra Police Act.

2 On an earlier occasion, i.e. on 9/7/2021, the Bail Application was heard by me, and on perusal of the material in the charge-sheet, as the major role in the offence, was attributed

to the applicant, as he had assaulted the injured by means of a scythe and caused greivous injury in form of CLW over left parietal region, CLW over left ear and trauma over right arm, on referring to the statement of the complainant and other witnesses, I expressed my disinclination to entertain the application, which was therefore, withdrawn and disposed off.

3 The shocking state of affairs would reveal that down the line four years from his arrest and almost five years from the date of registration of the C.R. dated 16/12/2018, charge is not yet framed.

Barring the present applicant, all other four co-accused are already released on bail. Seriousness of the charges and the role attributed to him, will have to be necessarily counter balanced with the period of his incarceration as an under-trial prisoner and with the list of prosecution witnesses running into some 50 witnesses, as per the charge-sheet, but according to the Officer present in the Court, instructing the learned APP, the number of witnesses to be examined are 20, culmination of the trial in the near future appear to be a remote possibility.

The applicant has a right to fair trial and if this fundamental right which is inherently possessed by him, being a citizen of this country is being violated, the highest Court of the State, must definitely intervene.

Balancing the gravity of the accusations with the long period of incarceration, the applicant deserve his release on bail. However, in order to safeguard the prosecution witnesses and the possibility of the applicant pressuring the said witnesses, in the backdrop that the applicant also has criminal antecedents to his credit, though the learned counsel for the applicant would submit that in the two C.Rs registered against him u/s.379 of the IPC, he is acquitted, some stringent condition need to be imposed upon him.

When specifically inquired whether the applicant can stay out of the jurisdiction of Chinchwad police station, since the offences are registered against him with Chinchwad police station, on instructions, he make a statement that he shall continue to reside within the jurisdiction of Hingoli Gramin police station, and he shall not enter the jurisdiction of Chinchwad police station, till conclusion of the trial.

Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) The applicant Ajay Bedkya Kamble shall be released on bail in C.R.No. 395/2018 registered with Chinchwad police station on furnishing P.R. Bond to the extent of Rs.25,000/- each with one or two sureties in the like amount.

- (c) On being released on bail, the applicant shall report to the Investigating Officer of Chinchwad police station and furnish his address, where he intend to reside at Hingoli and also provide his contact number to the Investigating Officer and shall keep him updated, if there is any change.
- (d) The applicant shall mark his attendance on first Monday of every month between 5.00 p.m. to 6.00 p.m at Hingoli Gramin police station, as long he continue to reside there.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer.

(SMT. BHARATI DANGRE, J.)