

Mr. Devendra Shukla for the Applicant.
Mr. Amit Palkar, APP for the State.

CORAM : N.R. BORKAR, J.
DATED : 10 MARCH 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. 76 of 2017 registered at Chinchwad Police Station, Pune for the offences punishable under Section 302 r/w. 34 of Indian Penal Code and Section 37(1) r/w 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 under-trial.

5. The learned Counsel for the applicant submits that the applicant is in jail for about 6 years and the trial has not yet commenced.

6. According to the prosecution, on the date of incident, which took place on 21 March 2017, dispute arose between the co-accused Prem alias Kalu Dharma More on some trivial issue, while they were consuming liquor together. It is alleged that during the said dispute the said co-accused Prem alias Kalu Dharma More and the present applicant assaulted the deceased by iron, pipe, etc. and committed his murder.

7. Prima facie, the incident does not appear to be premeditated. The applicant is in jail for six years and the trial has not yet commenced.

8. The learned APP for the State submits that the applicant is involved in six more crimes. However, considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Prashant Kacharu Chavan be released on bail in Crime No. 76 of 2017 registered at Chinchwad Police Station, Pune for the offences punishable under Section 302 r/w. 34 of Indian Penal Code and Section 37(1) r/w. 135 of the Maharashtra Police Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)