

Akshay Dattatraya Netake	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

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Mr. Priyal Sarda for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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DATED : 17 APRIL 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. 229 of 2017 registered at Khed Police Station, Pune for the offences punishable under Sections 143, 147, 148, 149, 307, 302, 324, 323, 504, 506 of Indian Penal Code and Section 135 of the Mumbai 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 prisoner.

5. This Court on 20 October 2022 passed the following order :

“1. The applicant is in custody from 24.06.2017. It is submitted that there is no progress in trial. The summons was issued to some of the witnesses but they have not appeared before the Court. Learned APP seeks time to take instructions. The trial Court is requested to submit report about the status of the trial and why the trial has not proceeded. Stand over to 18th November 2022. To be listed ‘High on Board’.”

6. In view of the above order, the District Judge-2 and Additional Sessions Judge, Khed-Rajgurunagar, Pune has filed report dated 16 November 2022. It appears from the said report that there is a cross case and at present, the same is pending before the District Judge-1 and Additional Sessions Judge, Khed-Rajgurunagar, Pune. The learned Principal District and Sessions Judge shall take steps to consolidate both the cases in one court. It appears that applicant is in jail for about six years and in view of the above circumstances, the trial is not likely to be concluded in near future. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Akshay Dattatraya Netake be released on bail in Crime No. 229 of 2017 registered at Khed Police Station, Pune for the offences punishable under Sections 143, 147, 148, 149, 307, 302, 324, 323, 504, 506 of Indian Penal Code and Section 135 of the Mumbai 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 not enter into the limits of Village Dawadi till conclusion of trial.
- (iv) The applicant shall furnish his residential address and mobile number, if any, to the concerned police station.

(N.R. BORKAR, J.)