



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

BAIL APPLICATION NO. 2044 OF 2023

ANKUSH MADHUKAR GAIKWAD ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Shubhangi Parulekar a/w Adv. Abhijeet V. Ghule Patil
for the Applicant.

Ms. Veera Shinde, APP for the State.

Sukumar Madhukar Bhosale, Police Naik, Indapur Police
Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 06, 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, 307, 323, 504, 143, 147, 148, 149 and 120-B of the Indian Penal Code and Sections 4(25) of the Arms Act registered on 24/03/2015 vide C.R. No.97 of 2015 with Indapur Police Station, Pune.
- 3.** The applicant is accused No.1. There are in all 8

accused. All co-accused have been enlarged on bail. By order dated 12/01/2023, this Court in Bail Application No. 1772 of 2022 enlarged the co-accused Rahul Chandrakant Lambate on bail. The said order reads thus:

1. 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. 97 of 2015 registered at Indapur Police Station, Pune for the offences punishable under Sections 302, 307, 323, 504, 143, 147, 148, 149, 120-B of Indian Penal Code and Section 4 r/w. 25 of the Arms Act.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The learned Counsel for the applicant submits that the applicant is in jail for more than 7 years. It is submitted that this Court by order dated 14 September 2021 in Criminal Bail Application No. 1263 of 2020 directed the trial Court to conclude the trial within 9 months. It is submitted that trial is still at the stage of framing of charge.

5. Considering the facts and circumstances of the case and as the motive for the alleged crime is not attributed to the present applicant, I am inclined to release the applicant on bail. Hence, the following order is passed:

(i) Application is allowed.

(ii) The applicant - Rahul Chandrakant Lambate be released on bail in Crime No. 97 of 2015 registered at Indapur Police Station, Pune for the offences punishable under Sections 302, 307, 323, 504, 143, 147, 148, 149, 120-B of Indian Penal Code and Section 4 r/w. 25 of the Arms Act on furnishing P.R.

Bond in the sum of Rs.25,000/- with one or two sureties in the like amount."

4. Learned APP opposed the application.
5. The applicant has been in custody since 26/03/2015 i.e. for more than 8 years and 6 months. The charge has been recently framed. The trial is likely to take a long time to conclude. On the ground of long incarceration, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ankush Madhukar Gaikwad in connection with C.R. No. 97 of 2015 registered with Indapur Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Indapur police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.

6. The application is disposed of.

(M. S. KARNIK, J.)