

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

BAIL APPLICATION NO. 2159 OF 2022

Nilesh Krishna Shinde @ Kale

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Abhay A. Jadhavar for the Applicant.

Mr. Shrikant Yadav, APP for the State.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 16th MARCH, 2023.

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who has been arrested in Crime No. 66 of 2022 registered at Vairag Police Station, Solapur for the offences punishable under Section 307 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Manoj Madhukar Chavan. A perusal of the FIR reveals that on 21.02.2022 at about 8.30 p.m. the Complainant and others

had intercepted the motorcycle which was being driven by the Applicant. It is stated that the Complainant and others asked them to disclose their identity, but the Applicant and the pillion rider who is the co-accused, threatened to cause their death. It is stated that the Applicant inflicted injury on the abdomen of the Complainant by means of a knife. The Medical Certificate prima facie reveals that the Complainant had suffered one incised wound of 1.5 x 0.5 cms on the abdomen. The doctor has certified that the injury was simple in nature. The nature of the injury inflicted on the Applicant would prima facie indicate that there was no intention to cause death of the Complainant. Hence, prima facie, applicability of Section 307 is itself doubtful.

4. The Applicant is in custody since 28.03.2022. It is stated that the investigation has been completed and the chargesheet is filed. Learned APP states that the case is not yet committed. Considering the large pendency, the trial is not likely to be concluded within a reasonable time. Considering the above facts and circumstances, in my considered view, this is a fit case for exercising discretion under Section 439 Cr.P.C. Hence, the application is allowed on the following terms and conditions :-

- (i) The applicant who is facing trial in Crime No. 66 of 2022 registered at Vairag Police Station, Solapur, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount;
- (iii) The Applicant shall report to the Vairag Police Station on the first Monday of every month till framing of the charge;
- (iv) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
- (v) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)