



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

BAIL APPLICATION NO.2094 OF 2023

GANESH NARAYAN SURYAVANSHI ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Prashant Pandey a/w Ashok Dhanuka a/w Dinesh Jadhvani a/w Mr. Unwala a/w Pranay Saraf a/w Ashish Jain a/w Dipsy Sequira i/b W3Legal LLP for the applicant.

Ms. Veera Shinde, APP for the State.

Mr. Arun Potdar, CBD Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 14, 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 of the Indian Penal Code read with Sections 37(1) and 135 of the Maharashtra Police Act registered on 06/01/2014 vide C.R. No.03 of 2014 with CBD Belapur Police Station, Navi Mumbai.

3. The applicant was arrested on 06/01/2014. At the relevant time, the applicant was 31 years of age. It is the

prosecution's case that on 06/01/2014 when the complainant PI of CBD Police Station was on duty, PSI Satre came into his chamber with one person whose clothes were blood stained. He had injuries on his left hand fingers. The applicant narrated that due to some quarrel and scuffle with his friend (the deceased), he assaulted her on the neck with a knife. The applicant locked the room where the deceased was lying in a pool of blood and went to the police station. The applicant was arrested. The investigation proceeded and the charge-sheet was filed. From the roznama of the trial Court, it appears that the delay in concluding the trial is not wholly attributable to the present applicant. The applicant is incarcerated as an undertrial for more than 9 years and 8 months.

4. The learned APP opposed the application for bail. It is her submission that the offence was committed in a brutal manner and the trial is on the verge of conclusion, as only 3 witnesses remain to be examined. It is submitted by her that this Court instead of enlarging the applicant on bail may fix a time schedule to conclude the trial as in any case,

the trial is likely to conclude in a period not more than 3 months. It is the contention of the learned APP that there is one material witness namely Rambhau Shankar Shinde who remains to be examined. She submits the said witness is not traceable as his address is unknown, therefore, there is a delay in concluding the trial.

5. In the facts and circumstances of the present case, considering that the applicant has been incarcerated for more than 9 years and 8 months, I am inclined to enlarge the applicant on bail on the ground of long incarceration. I do appreciate the concern expressed by the learned APP, however, in the present case it does not appear that the applicant is a flight risk who will evade trial. As most of the material witnesses are examined, therefore, in any case, there is no question of the applicant now tampering with the evidence. However, some stringent conditions need to be imposed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ganesh Narayan Suryavanshi in

connection with C.R. No. 3 of 2014 registered with CBD Belapur Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of CBD Belapur police station, once in a week on every Saturday of the week, between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

(g) The applicant shall not leave the jurisdiction of Mumbai/Mumbai Suburban District and Thane District without prior permission of the trial Court.

(h) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)