

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

BAIL APPLICATION NO.2358 OF 2022

Santosh @ Munna Hanmanth Karare ..Applicant

VS.

The State of Maharashtra ..Respondent

Adv. Vikrant V. Phatate for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Santosh @ Munna Hanmanth Karare in connection with C.R. No.846 of 2017 dated 01/11/2017 registered with Mohol Police Station, District Solapur for the offence punishable under Sections 302, 201 read with Section 120-B of the Indian Penal Code, 1860.

3. The investigation is complete and the charge-sheet has been filed on 22/01/2018. The applicant was arrested on 27/10/2017. The applicant is in custody for more than 5

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years and 3 months. The trial has not yet commenced and even the charge is not framed. The trial is likely to take a long time to conclude. However, it is necessary to impose stringent conditions while releasing the applicant on bail.

4. So far as the materials against the applicant is concerned, the present matter rests primarily on the circumstantial evidence. There is recovery of a chocolate colour wallet at the instance of the applicant. There is no direct evidence. The prosecution case rests on the theory of last seen together. It is stated that the deceased and the applicant were good friends and having financial dealings. Considering that the applicant is in custody for more than 5 years and 3 months with no possibility of the trial commencing and concluding anytime soon, the nature of the accusations coupled with the materials have to be balanced with the applicant's right to a speedy trial.

5. Taking an overall view of the matter, the applicant can be released on bail. The co-accused has been released on bail, though the applicant cannot claim parity.

6. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Santosh @ Munna Hanmanth Karare shall be released on bail in connection with C.R. No.846 of 2017 dated 01/11/2017 registered with Mohol Police Station, District Solapur, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) 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.
- (d) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall attend the trial regularly.
- (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 enter Solapur district till the trial is over except for the purpose of attending the trial and the Investigating Officer.

7. The Bail Application is disposed of.

(M. S. KARNIK, J.)