



Diksha Rane

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

BAIL APPLICATION NO.2646/2023

DATTATRAY @ SHASHIKANT NAMDEV
SHINDE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ritesh Thobde a/w. Adv. Changdev S. Shingade for the
applicant.

Mr. N. B. Patil, APP for the State.

PN/1529 Sandeep Patil, Velapur Police Station, Solapur
Rural.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 25, 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, 506 read
with 34 of the Indian Penal Code (hereafter 'IPC' for short)
read with 3, 25, 39 of the Indian Arms Act read with 32 (3)
of the Arms Rules, registered on 9/8/2017 vide C.R.
No.171/2017 with Velapur Police Station, Solapur Rural.

3. The date of the incident is 9/8/2017. The bail

application of the applicant was rejected on merits by an order dated 15/2/2019 passed by this Court in Bail Application No.2227/2018. The Special Leave Petition filed before the Hon'ble Supreme Court by the applicant also came to be rejected. It is, therefore, not open for me to consider the application on merits.

4. By an order dated 7/2/2023, an earlier application for bail which was filed through jail by the applicant was disposed of by requesting the trial Court to expedite the trial and dispose of the same preferably within a period of six (6) months. At the time when the application was decided on 7/2/2023, three witnesses were examined. I am informed that post passing of the order by this Court expediting the trial, only one witness has been examined. Learned counsel for the applicant submitted that the prosecution proposes to examine in all 36 witnesses.

5. Learned APP while opposing the application submitted that it is not as if all the witnesses will be examined and therefore, having regard to the manner in which the offence is alleged to have been committed, it would be appropriate if the trial Court is further directed to conclude the trial

within a reasonable period.

6. The applicant is 76 years of age. The applicant is a member of the Armed Forces and retired from the Indian Army. The dispute was over the agricultural land and it is alleged that applicant shot his real brother over the property dispute. The applicant is in custody for more than six years with no possibility of the trial concluding any time soon.

7. It is further brought to my notice that the applicant is suffering from various ailments and the medical certificate indicates that the applicant is suffering from hypertension with osteo-arthritis to bilateral knees on regular treatment. A certificate which is at page 358 of the paperbook issued by the Chief Medical Officer, Yerwada Central Prison, Pune, indicates that the applicant is in need of knee replacement.

8. Considering the age of the applicant, his medical condition and the fact that the applicant is in jail as an undertrial prisoner for six years with no possibility of the trial concluding any time soon, despite a request made on an earlier occasion for concluding the trial within a period of six months, I am inclined to enlarge the applicant on bail by imposing conditions. The investigation is complete. The

charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Dattatray @ Shashikant Namdev Shinde in connection with C.R. No.171/2017 registered with Velapur Police Station, Solapur Rural, 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 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 Velapur police station once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m. starting from October, 2023.
- (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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Solapur District after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(j) Learned counsel for the applicant makes a statement that he will not apply for return of the revolver/gum which is seized.

9. The application is disposed of.

(M. S. KARNIK, J.)