

Versus

Mr. Sidheshwar Biradar for the Applicant.
Ms. Veera Shinde, APP for the State.

DATED : 17 JANUARY 2023

P.C. :-

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. 523 of 2019 registered at Shikrapur Police Station, Pune for the offence punishable under Sections 302, 307 r/w. 34 of Indian Penal Code.

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

4. This Court on 24 February 2022 in Criminal Bail Application No.1285 of 2021 filed by the present applicant had passed the following order :

“ After hearing the learned counsel for the Applicant for sometime, when this Court expressed its disinclination to favourably consider the Application, the learned counsel for the Applicant, on instructions, seeks leave to withdraw the application with a request to expedite the trial.

2. The Criminal Application is disposed of, as withdrawn. The trial is expedited. Liberty to the Applicant to renew the request for bail if the trial does not commence within six months.”

5. The learned Counsel for the applicant submits that trial is still at the stage of framing of charge. The learned APP has not disputed the said position. The applicant is in jail for more than 3 years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Kaushalya @ Shubham Shivaji Mahadik be released on bail in Crime No. 523 of 2019 registered at Shikrapur Police Station, Pune for the offence punishable under Sections 302, 307 r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e. first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)