



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2909 OF 2023

Suresh Sadashiv Bhosale ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Tukaram Shendge for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 OCTOBER 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. 291 of 2020 registered at Jejuri Police Station, for the offences punishable under Section 302 of Indian Penal Code.

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

4. The deceased was father-in-law of the applicant. The wife of the applicant, due to matrimonial dispute was residing at her parents house. It is alleged that on the date of incident, which took place on 8

August 2020, the applicant came to the village of his in-laws. He questioned them as to why they were not sending his wife for cohabitation with him. It is alleged that altercation took place between the applicant and the deceased and during the said altercation, the present applicant assaulted the deceased by knife.

5. The learned Counsel for the applicant submits that the applicant is in jail for more than three years and the trial has not commenced inspite of the order passed by this court that the trial court shall endeavour to conclude the trial as early as possible.

6. On the other hand, the learned APP submits that the case is based on direct evidence. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The order passed by this court dated 20 December 2022 in Bail Application No.3455 of 2022 filed by the applicant reads thus :

“Considering the fact that the applicant is in jail for more than two and half years, the trial Court shall endeavor to conclude the trial as early as possible. If the trial is not concluded within six months from the date of receipt of copy of this order, the applicant is at liberty to file an application for bail before this Court.

2. Application is disposed of in aforesaid terms.”

8. Admittedly the trial has not yet commenced. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant - Suresh Sadashiv Bhosale be released on bail in Crime No. 291 of 2020 registered at Jejuri Police Station, for the offences punishable under Section 302 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., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)