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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3357 OF 2022

Sandesh @ Avinash Sanjay Kamble ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Sachin H. Deokar for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 17.04.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.716 of 2016 registered at Pimpri Police Station, Pune for the offences punishable under Sections 302, 307, 326, 324, 323, 504, 506, 143, 144, 146, 147, 148, 149 of the Indian Penal Code and Section 4 read with 25 of Arms Act and Section 37(1) read with 135 of Maharashtra Police Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.
4. According to the prosecution, on the date of incident which took place on 13 December 2016, the present applicant and other co-accused assaulted the deceased by Koyta on account of some previous dispute and committed his murder. According to the

prosecution, in addition to the deceased, the present applicant and other co-accused had assaulted the complainant and injured Santosh Waghmare.

5. The bail is sought on the ground of prolonged incarceration as an under-trial. The learned counsel for the applicant submits that the applicant is in jail for more than six years and the trial has not yet commenced.

6. The learned APP has not disputed the above facts. The learned APP however, submits that considering the nature of offence, the applicant may not be released on bail and the trial be expedited.

7. There are in all thirty witnesses and thus the trial is not likely to be concluded in near future. The applicant is in jail for more than six years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 716 of 2016 registered at Pimpri Police Station, Pune for the offences punishable under Sections 302, 307, 326, 324, 323, 504, 506, 143, 144, 146, 147, 148, 149 of the Indian Penal Code and Section 4 read with 25 of Arms Act and Section

37(1) read with 135 of Maharashtra Police Act, on furnishing P.R. Bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] 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.]