



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

BAIL APPLICATION NO. 3409 OF 2023

PUNDLIK GOSAWI MHATRE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Balwant V. Salunkhe for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 08, 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, 201 and 34 of the Indian Penal Code registered on 06/09/2017 vide C.R. No.74 of 2017 with Panvel Taluka Police Station.
- 3.** Learned APP requested for some time. However, I am not inclined to adjourn the matter considering the long incarceration of the applicant and in the facts of the present case.

4. The date of the alleged incident is 17/06/2017. The applicant was arrested on 21/06/2017. The applicant is the real brother of the deceased. According to the prosecution, the applicant had a strong motive to commit the murder of the deceased on account of some property dispute. There are in all 2 accused. The applicant is accused No.1. It is informed that the charge has been framed on 03/07/2023.

5. The co-accused has been enlarged on bail by the order of this Court dated 08/01/2020 vide Bail Application No.1077 of 2019. The case is entirely based on circumstantial evidence. The applicant has been incarcerated for more than 6 years and 5 months. The deceased was killed with a stone which was found from the spot. There are no criminal antecedents reported. Nothing is reflected from the order of the Sessions Court regarding the antecedents. No doubt, there is an observation of the trial Court in paragraph No.19 that the applicant himself protracted the trial.

6. In the facts and circumstances of the present case, considering the long incarceration coupled with the fact that

though the charge was framed on 03/07/2023, the trial will still take a long time to conclude, I am inclined to enlarge the applicant on bail. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Pundlik Gosawi Mhatre in connection with C.R. No.74 of 2017 registered with Panvel Taluka Police Station 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 Panvel Taluka police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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) The applicant shall not contact, threaten or

intimidate the victim/complainant.

(g) 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.

(h) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Panvel Taluka after being released on bail, till the trial concludes.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(j) If the applicant breaches any of the conditions, the prosecution is at liberty to apply for the cancellation of this bail.

7. The application is disposed of.

(M. S. KARNIK, J.)