

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

CRIMINAL BAIL APPLICATION NO.766 OF 2024

Sudhir *alias* Balaji Tanaji Mane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Yash Fadtare a/w Mr. Satyavrat Joshi, Advocates for the Applicant.

Mr. Sameer Mangaonkar, APP for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 27th February 2024

P. C.

1. Heard Mr. Fadtare, learned Counsel appearing for the Applicant and Mr. Mangaonkar, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	372 of 2019
2.	Date of registration of F.I.R.	6 th July 2019
3.	Name of Police Station	Pandharpur Taluka, District- Solapur
4.	Section/s invoked	302 of the <i>Indian Penal Code, 1860</i>
5.	Date of incident	6 th July 2019
6.	Date of arrest	6 th July 2019
7.	Date of filing Charge-sheet	30 th September 2019

3. The Applicant is the husband of the deceased. As per the prosecution case, the Applicant was suspicious that his wife i.e. the deceased was in a relationship outside of marriage with some other person and therefore, there used to be frequent quarrels between them. As per the prosecution case, the Applicant has assaulted the deceased with a wooden log and the deceased succumbed to the resultant injuries.

4. Mr. Fadtare, learned Counsel appearing for the Applicant submitted that the Applicant was arrested on 6th July 2019, and Charge-sheet was filed on 30th September 2019 however till date there is no further progress in the trial except for the framing of the charge. He therefore submitted that there is a violation of the right to speedy trial guaranteed under Article 21 of the Constitution of India. He further submitted that the incident in question had occurred in a spur of the moment when the Applicant and the deceased were quarreling with each other as the Applicant was suspicious that the deceased was in a relationship outside of marriage with some other person. He therefore submitted that offence under Section 302 of the *Indian Penal Code, 1860* is not made out.

5. On the other hand, Mr. Mangaonkar, learned A.P.P. strongly opposed the Bail Application. Learned A.P.P. submitted that there are two eye-witnesses to the incident i.e. the son of deceased and

the Applicant - Yash (aged 11 years when the incident occurred i.e. in the year 2019) and their daughter - Shraddha (aged 8 years when the incident occurred in the year 2019). Therefore, he submitted that the Applicant, who is the father of these minor children, will influence them and therefore the Applicant should not be released on bail. In view of these submissions made yesterday, the matter is kept today for the learned A.P.P. to take instructions and on taking instructions, learned A.P.P. stated that the children are residing at the grandparents' house i.e. parents of the deceased, at Latur.

6. The record shows that the incident in question occurred on 6th July 2019 and on the very day, F.I.R. was lodged and the Applicant has been apprehended. Charge-sheet was filed on 30th September 2019. Till date, there is no further progress in the trial except that the charge has been framed on 10th April 2023. The Applicant is in custody since 4 years and 7 months and till date there is no progress in the trial. As per the Charge-sheet, there are 34 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

7. The Applicant does not appear to be at risk of flight.

8. The Applicant does not have any criminal antecedents.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Sudhir *alias* Balaji Tanaji Mane be released on bail in connection with C. R. No.372 of 2019 registered with the Pandharpur Taluka Police Station, District - Solapur on his furnishing P. R. Bond of Rs.10,000/- with one or two sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Pandharpur Taluka Police Station, District - Solapur once in every two months on the first Sunday, between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant shall not enter District-Latur until the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police

personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

(i) The Applicant shall not enter Latur district.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]