

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

CRIMINAL BAIL APPLICATION NO. 1128 OF 2024

Sunil Rakhmaji Dongare

...Applicant

vs.

State of Maharashtra

...Respondent

Adv. P. B. Gujar a/w Adv. S. N. Salunkhe :-	Advocate for Applicant.
Mr. H. J. Dedhia :-	APP for Respondent-State.
Mr. Dipak Suryakant Gurav :-	PHC 503 Satara City Police Station.

CORAM : S. M. MODAK, J.

DATE : 14th AUGUST 2024

P. C. :-

1. Heard learned Advocate for Applicant and learned APP.
2. It is true that on 28th June 2023 this Court has rejected Bail Application of the Applicant. Liberty was granted to move again if the trial will not finish within a period of one year. *In fact* the charge is framed on 21st July 2023. Copy of relevant Roznama is at page No. 201. As such the trial is started. It is also true that the Report send by

the learned District Judge-1, Satara mentions that three witnesses are examined and the list contains 48 witnesses. There is mention that the trial will be finished within at least six (6) months. According to learned APP all 48 witnesses will not be examined.

3. The issue is just because trial is started and just because three witnesses are examined, whether the Applicant can be denied bail. I am inclined to grant bail to the Applicant for the reason even after framing of charge on 21st July 2023, till 8th May 2024 not a single witness was examined. It may be on account of procedural compliance or for other reasons but the fact remains witnesses were not examined. If the trial will go on with this speed, it is difficult that all the witnesses will be examined within a period of six months.

4. The case is based on circumstantial evidence. The circumstances are like that which can be proved either by examining Panch witness or Investigating Officer or other witnesses. Considering this fact, I am inclined to grant bail to the Applicant. Hence the order :-

ORDER

- (i) The Application is allowed.

- (ii) The Applicant / Accused Sunil Rakhmaji Dongare in connection with C. R. No. 1054 of 2021 registered with Satara (City) Police Station for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code and under Section 3 of Maharashtra Prevention & Eradication of Human Sacrifice and the inhuman, Evil and Aghori Practices and Black Magic Act, 2013 be released on bail on furnishing P.B. and S.B. of Rs. 25,000/- (Rupees Twenty Five Thousand only).
- (iii) The Applicant is directed to give attendance to Satara (City) Police Station on first Monday of the month of September 2024 and first Monday of month of June from 10:00 a.m. to 12:00 noon every year till completion of trial.
- (iv) The Applicant not threaten the prosecution witnesses.
- (v) Parties to act on authenticated copy of this order.

[S. M. MODAK, J.]

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