

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

CRIMINAL BAIL APPLICATION NO. 1295 OF 2024

Sanjay Shridhar Phunguskar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Siddharth A. Mehta with Harshad Sathe, Shubham G. and Harshada Shrikhande, Advocate for the applicant.

Mrs. S. M. Yadav , APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 27th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 49 of 2020, registered with Guhagar for the offences punishable under Sections 302, 379, 201, 397 and 120B read with Section 34 of the Indian Penal Code, 1860.

3) The present case is based on the circumstantial evidence i.e. last seen theory. As far as the recovery of Rs.7,15,000/- is concerned, it appears from the recovery panchanama that the bundle of 100 notes of denomination of Rs.500/- had a stamp of Chiplun Urban Co-operative

Bank and not of the Bank from where the said amount was withdrawn. As far as the status of the trial is concerned, the charge is framed and till date no single witness has been examined. There are 29 witnesses and, therefore, from the pace with which the trial is proceeding, there is no end of the trial in sight.

4) In the above referred backdrop, if the period of incarceration is considered i.e. four years, I am of the opinion that in view of the judgment of the Hon'ble Supreme Court of India in the case of *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari vs. State of Uttar Pradesh*)¹, though the learned APP is opposing the present application, the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 49 of 2020, registered with Guhagar for the offences punishable under Sections 302, 379, 201, 397 and 120B read with Section 34 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall not enter into the territorial jurisdiction of Guhagar Police Station, Rantnagiri till the conclusion of the trial except on the date of trial;

- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00 am and 11.00 am, till the conclusion of the trial except on the date of trial;
- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]