

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

BAIL APPLICATION NO. 1103 OF 2023

Prakash Sadashiv Kumbhar

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Satyavrat Joshi i/b. Mr. Shubham Mhatre, Advocate, for the Applicant.

Ms. Supriya Kak, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 27.02.2024

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1. Heard Mr. Joshi, learned Counsel appearing for the Applicant and Ms. Kak, 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.	32 of 2021
2.	Date of registration of F.I.R.	15.03.2021
3.	Name of Police Station	Panhala Police Station, Kolhapur
4.	Sections invoked	302, 201, 363 & 397 of the I.P.C., 1860
5.	Date of incident	06.03.2021

6.	Date of arrest	15.03.2021
7.	Date of filing of Charge-sheet	03.06.2021

3. As per the prosecution case, on 06.03.2021 the Applicant had requested the deceased to accompany him for searching a suitable bride for his son and took the deceased to a secluded place on a hill at Panhala. Thereafter, the Applicant killed her for the purpose of committing theft of her ornaments.

4. Mr. Joshi, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. He submitted that there is nothing on record to connect the Applicant with the alleged offences. He further submitted that the Applicant is behind bars since 15.03.2021. The Charge-sheet was filed on 03.06.2021. However, there is no further progress in the trial.

5. On the other hand, Ms. Kak, learned APP appearing for the Respondent - State vehemently opposed the Bail Application. She submitted that although the case is of circumstantial evidence, there are strong circumstances which connect the Applicant with the alleged offences. She pointed out the statement of witness - Mr. Tanaji Shivaji Topkar (page no.97) to show that the Applicant was last seen together with the

deceased. She further pointed out the statements of various witnesses to show that the Applicant had visited three jewellery shops to sell the stolen ornaments. She further submitted that there is a C.C.T.V. footage to show that the Applicant had visited the jewelry shops. There is a recovery of clothes, ornaments and one cell phone at the instance of the Applicant. Therefore, she submitted that the Applicant may not be granted bail.

6. A perusal of the record shows that the incident in question has taken place on 06.03.2021. F.I.R. has been lodged on 15.03.2021. The Applicant was apprehended on 15.03.2021. Although Charge-sheet has been filed on 03.06.2021, there is no further progress in the trial. Even charge is also not framed yet. The case is of circumstantial evidence.

7. The trial is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

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

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

ORDER

(a) The Applicant - Prakash Sadashiv Kumbhar be released on bail in connection with C. R. No.32 of 2021 registered with the Panhala Police Station, District - Kolhapur on his furnishing P. R.

Bond of Rs.50,000/- with one or two solvent 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 Panhala Police Station, District – Kolhapur on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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.

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

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

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

11. The Bail Application is disposed of accordingly.

12. 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.]