

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1397 OF 2023

Omya @ Omkar Kishor Indulkar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Umesh R. Mankapure a/w Ms Stefy J. Dias, Advocate for Applicant
Mr P.P.Deokar, APP for the State.

CORAM : ANIL S. KILOR, J.

DATED : SEPTEMBER 25, 2024.

PC:

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1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.159 of 2020, registered with Gokul Shirgaon Police Station, Kolhapur for the offences punishable under Sections 394, 307, 452, 354, 323, 504, 506, 427, 120(B) of the Indian Penal Code, Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, Sections 5, 27 of the Indian Arms Act, 1959 and Section 142 of the Maharashtra Police Act, 1951.

3. This Court has granted bail to co-accused Imran Shakil Naikwadi @ Imaya Bhai and Vinayak Mohan Patil. In both the matters even the antecedents of the above named co-accused were considered. This Court granted bail mainly on the ground that the accused were in jail for about 4½ years and even charge was not framed. It was also observed that there are 79 witnesses and therefore, there is no end of the trial in sight.
4. Even on merit of the present matter, it can be seen that the injuries recorded in the Injury Certificate are also of simple nature. Thus, considering the nature of the allegations and the evidence collected by the Investigating Officer during the investigation and further considering the period of incarceration coupled with the fact that there is no end of the trial in sight, I am of the opinion that the applicant is entitled for grant of bail.
5. The learned APP, though strongly opposing the present application, in view of the above observations, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.159 of 2020, registered with Gokul Shirgaon Police Station, Kolhapur for the offences punishable under Sections 394, 307, 452, 354,

323, 504, 506, 427, 120(B) of the Indian Penal Code, Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, Sections 5, 27 of the Indian Arms Act, 1959 and Section 142 of the Maharashtra Police Act, 1951, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Kolhapur District till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the Investigating Officer, which he shall attend on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till 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 for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.

- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)