

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1779 OF 2024**

Rohit @ Bala Gajanan Gade ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Satyavrat Joshi, i/b Mr. Yash G. Fadtare, for the Applicant.

Mr. Avinash A. Naik, A.P.P., for the Respondent – State.

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**CORAM : N.R. BORKAR, J.
DATE : 8th AUGUST, 2024**

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, for bail.

2. The applicant came to be arrested in Crime No. 0198 of 2020 registered with the Tasgaon Police Station for the offences punishable under Sections 302, 342 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. It is the case of the prosecution that on the date of incident, which took place on 18.05.2020, the present applicant assaulted the deceased by koyta and committed his murder on account of dispute in relation to the partition of the ancestral property.

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4. I have heard Mr. Satyavrat Joshi for the applicant and the learned Mr. Avinash A. Naik, learned A.P.P. for the Respondent-State.

5. This Court by order dated 30.11.2022 directed the Trial Court to conclude the trial as early as possible and in any case within a period of nine months.

6. The learned counsel for the applicant submits that the trial is at initial stage. It is submitted that on 16.10.2023 the prosecution has examined one witness and thereafter there is no progress in the trial and thus, the trial Court was constrained to close the evidence of the prosecution. It is further submitted that the applicant is in jail for more than four years and there are no other criminal antecedents.

7. On the other hand, the learned A.P.P. for the Respondent-State submits that some more time may be given to prosecution to examine the other witnesses.

8. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail on the following conditions..

(i) The bail application is allowed.

(ii) The applicant be released on bail in C.R. No. 0198 of 2020 registered with Tasgaon Police Station, Sangli, for the offences punishable under Sections 302, 342 of the Indian Penal Code, Sections 4, 25 of the Arms Act, on furnishing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one or two sureties in the like amount.

(iii) The applicant after his release shall not enter into the limits of the District Sangli till conclusion of trial, except to attend the dates before the trial court.

(N.R. BORKAR, J.)