



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

**CRIMINAL BAIL APPLICATION NO. 1707 OF 2023**

|                           |               |
|---------------------------|---------------|
| Manthan Dattatraya Dhumal | ...Applicant  |
| Versus                    |               |
| The State of Maharashtra  | ...Respondent |

Mr. Shailesh Kharat, for the Applicant.

Ms. M. H. Mhatre, APP for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.**

**DATED : 8<sup>th</sup> JANUARY 2024**

**P.C. :**

1. Heard Mr. Shailesh Kharat, learned Counsel appearing for the Applicant and Ms. Mhatre, learned APP appearing for the Respondent/State.
2. This is a regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant who is Accused No.2.
3. The relevant details are as follows:-

|   |                                |                                                                               |
|---|--------------------------------|-------------------------------------------------------------------------------|
| 1 | C.R. No.                       | 241 of 2016                                                                   |
| 2 | Date of Registration of F.I.R. | 01/12/2016                                                                    |
| 3 | Police Station                 | Islampur, District Sangli                                                     |
| 4 | Sections Applied               | 302, 307 452, r/w. 34 of IPC, 1860 and Sections 3, 25 and 27 of the Arms Act, |

|   |                               |            |
|---|-------------------------------|------------|
|   |                               | 1959       |
| 5 | Date of Incident              | 01/12/2016 |
| 6 | Date of Arrest                | 13/12/2016 |
| 7 | Date of filing of Chargesheet | 08/03/17   |

4. There are total four accused persons. The Applicant is accused No.2. As far as the prosecution case is concerned, the main allegation is against the Accused No.1-Bhauso Vasant Patil.

5. Mr. Shailesh Kharat, learned Counsel appearing for the Applicant seeks parity and states that the Applicant's role is the same as that of Accused No.3-Shashikant Arun Patil who has been released on bail on 21<sup>st</sup> March 2017.

6. In this case, Chargesheet is filed on 8<sup>th</sup> March 2017. There are 55 witnesses. It is an admitted position that the trial has not yet commenced. The Applicant has been incarcerated for more than 7 years.

7. It is also an admitted position that the role of the Applicant and Accused No.3-Shashikant Arun Patil, who has been released on bail on 21<sup>st</sup> March 2017 is identical. Therefore, the Applicant is entitled for parity. In fact, there is substance in the contention of the Applicant that the case of the Applicant is better than Accused No.3,

as there is recovery of two sickles at the instance of the Accused No.3.

Accordingly, the Applicant is entitled to bail.

8. Learned Counsel appearing for the Applicant states that most of the witnesses are from Taluka Walwa, District Sangli. He states that the Applicant is residing at Chakan, Taluka Khed, District Pune.

9. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be a flight risk.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

### **ORDER**

(a) The Applicant-Manthan Dattatraya Dhumal be released on bail in connection with C.R. No.241 of 2016 registered with the Islampur Police Station, Sangli on his furnishing Personal (P. R.) Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) The Applicant shall not enter the area of Taluka Walwa, District Sangli after being released on bail except for reporting to the Investigating Officer, if called.

(c) 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 there is any change.

(d) The Applicant shall report to the Chakan Police Station, District Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of trial. The Police Inspector of Chakan Police Station, District Pune to communicate details thereof to the Investigating Officer.

(e) 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 him/her from disclosing the facts to Court or any Police Officer.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

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

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

12. The Application is disposed of.

**[MADHAV J. JAMDAR, J.]**