

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3094 OF 2024

Vishal Shivaji Sawant, Age 20 years,
Occ.Nil, R/o.Siddarthnagar, Malshiras,
Tal.Malshiras, District Solapur.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Shailesh D.Chavan with Mr.Akash Patil and Mr.Ajinkya Sangitrao
for Applicant.

Ms.Poonak P.Bhosale, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 23rd October 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.714 of 2021 registered with Malshiras Police Station, District Solapur, for the offences punishable under Sections 302, 307, 120(B) r/w 34 of Indian Penal Code.
3. Having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation it is evident that the whole case is based on circumstantial evidence. The informant in her statement dated 11th October 2021 did not attribute role to the Applicant, however, in the supplementary statement attributed a specific role against Applicant and alleged that he gave blow by stone in the head of the deceased. As far as material is

concerned, there is no material on record and it was for the first time came on record after one month after the incident. Therefore, considering the fact that Applicant is in jail for more than three years and there is no progress in trial, I am of the opinion Applicant is entitled for bail. In the circumstances, though learned APP has strongly opposed the application, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.714 of 2021 registered with Malshiras Police Station, District Solapur, for the offences punishable under Sections 302, 307, 120(B) r/w 34 of Indian Penal Code on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall not enter into territorial jurisdiction of Malshiras Police Station, Taluka Malshiras, District Solapur, till conclusion of trial, except for trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 11.00 a.m till conclusion of 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 breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)

MST