

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

CRIMINAL BAIL APPLICATION NO. 2781 OF 2023

Prashant Shivaji Londhe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vikas B. Shivarkar a/w Mr. Vivek Joshi, Advocate for the Applicant.

Mr. Shriram Chaudhari, APP for Respondent-State.

PC, B.No. 2117, K.S. Talekar, Kurduwadi Police Station present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 7th March 2024

P. C.

1. Heard Mr. Shivarkar, learned Counsel appearing for the Applicant and Mr. Chaudhari, 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.	185 of 2021
2. Date of registration of F.I.R.	7th May 2021
3. Name of Police Station	Kurduwadi, District-Solapur.
4. Section/s invoked	302, 307, 504, 506 r/w 34 of <i>Indian Penal Code, 1860</i> .
5. Date of incident	28th April 2021
6. Date of arrest	23rd March 2023
7. Date of filing Charge-sheet	9th August 2021

3. There are total 4 Accused. As per the prosecution case, the Applicant, co-accused and the deceased are near relatives. There was some dispute between them about the agricultural lands. The incident took place on 28th April 2021. On that day, the informant received a phone call and he was informed that there were altercations between the Applicant, other Accused and the deceased. Therefore, the informant and his mother asked them not to quarrel. However, it appears that thereafter in the evening the incident in question took place. As per the F.I.R., the Applicant has assaulted the deceased with wooden stick.

4. Mr. Shivarkar, learned Counsel appearing for the Applicant submitted that there are total 4 Accused, however 3 have been granted default bail. He further submitted that the Charge-sheet is filed and the Applicant be granted bail. He also submitted that although the incident took place on 28th April 2021, F.I.R. was lodged on 7th May 2021, after the deceased died in the hospital. He further submitted that the Applicant is a student of Engineering and is aged 26 years.

5. On the other hand, Mr. Chaudhari, learned A.P.P. opposed the Bail Application. He submitted that the Applicant was absconding for about 2 years. He submitted that the Applicant assaulted the deceased with a wooden stick.

6. Mr. Shivarkar, learned Counsel appearing for the Applicant submitted that the Applicant was not absconding but he is a student of Engineering.
7. The incident in question took place on 28th April 2021, the F.I.R. was registered on 7th May 2021 and the Applicant was arrested on 23rd March 2023. The Charge-sheet is filed on 9th August 2021 and thereafter supplementary Charge-sheet is filed. As per the Charge-sheet, there are about 27 prosecution witnesses proposed to be examined. There is no progress in the trial and even the Charge is not framed. Accordingly the trial is likely to take a considerably long time.
8. The Applicant does not appear to be at risk of flight.
9. The Applicant does not have any criminal antecedents.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Prashant Shivaji Londhe be released on bail in connection with C. R. No.185 of 2021 registered with the Kurduwadi Police Station, District- Solapur on his furnishing P. R. Bond of Rs.25,000/- with one or two local 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 Kurduwadi Police Station, District- Solapur 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 prosecution 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 merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]