

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3702 OF 2024

Kiran @ Baban Dadaso Holkar, Age 29 years, Occ.Business, R/o.At Kidabisre, Tal.Sangola, District Solapur (Presently lodged in Yerwada Central Prison)	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Satyavrat P.Joshi with Mr.Yash G.Fadtare, Advocate for Applicant.

Mrs.Veera Shinde, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 16th 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.190 of 2020 registered with Kavthe Mahakal Police Station, District Sangli, for the offences punishable under Sections 302, 307, 120(B), 354(A(4), 324, 323, 143, 147, 148, 149 of Indian Penal Code r/w Sections 4, 15 of Arms Act r/w Section 135 of Maharashtra Police Act.
3. While rejecting the first application of the Applicant this Court requested the Trial Court to make an endeavour to conclude the trial as early as possible. Despite the same there was no progress. Another application was moved after more than one year. While disposing off the second application this Court on 20th January 2024

again requested the Trial Court to make an endeavour to conclude the trial as early as possible and in any event within six months from the date of receipt of copy of the said order. Despite twice the request made to the Trial Court to conclude the trial at the earliest the present stage of trial is that three witnesses have been examined so far and there are about 30 total witnesses. In addition to this, all other accused persons have been released on bail including the main accused i.e. co-accused Nitin. If the motive is considered, it goes against the co-accused Nitin who has been released on bail. From the statement of the witnesses it has come on record that it was Nitin who threatened the deceased and who decided to eliminate the deceased. When the first instance of quarrel took place between the co-accused Nitin and the deceased Applicant was not present. However, at the second instance, Applicant was present and it is alleged that he was carrying a sword and he wielded a blow on the deceased. However, in the post mortem report there was no corresponding injury found.

4. In the above referred circumstances, considering the role of the main accused Nitin and the Applicant, it can be said that Applicant is entitled for grant of bail on the ground of parity too. Moreover, Applicant is in jail from last four and half years and considering the pace with which the trial is proceeding, there is no end to the trial in sight.

5. Learned APP while opposing the application has expressed an apprehension that if the Applicant is released on bail he may pressurize the prosecution witnesses and in that case there will be no fair trial. Thereupon, Mr.Joshi, learned counsel for Applicant on instructions submits that Applicant is ready to abide any condition

including not to enter into territorial jurisdiction of Sangli District till conclusion of trial except for attending trial. The statement is accepted.

6. Accordingly, 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.190 of 2020 registered with Kavthe Mahakal Police Station, District Sangli, for the offences punishable under Sections 302, 307, 120(B), 354(A(4), 324, 323, 143, 147, 148, 149 of Indian Penal Code r/w Sections 4, 15 of Arms Act r/w Section 135 of Maharashtra Police Act 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 Sangli District 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