

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

**CRIMINAL BAIL APPLICATION NO.453 OF 2024**

Akash Ganpat Chavan

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Nitesh Mohite, Advocate for Applicant.
- Smt. Madhavi H. Mhatre, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 25<sup>th</sup> APRIL, 2024**

**P.C. :**

1. The Applicant is seeking his release on bail in connection with C.R.No.371/2016, dated 20/06/2016, registered with Pimpri Police Station, Pune, under sections 143, 147, 149, 302 of the Indian Penal Code and under section 7 and 8 of the Criminal Law Amendment Act, 1932.

2. Heard Mr. Nitesh Mohite, learned counsel for the Applicant and Smt. Madhavi H. Mhatre, learned APP for the State.

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3. This is the fourth time that the Applicant has approached this Court. On the first occasion the coordinate bench (Coram : Smt. Anuja Prabhudessai, J.) had dismissed Criminal Bail Application No.1773 of 2018 as withdrawn. After that, this Court had dismissed Criminal Bail Application No.1444 of 2020 as was withdrawn unconditionally. Again on third occasion, this Court while passing order in Criminal Bail Application No.2515/2021, had dismissed that Bail Application as there was no change in circumstances.

4. This is the fourth time, the Applicant has approached this Court. On this occasion, I am constrained to entertain this application, inspite of the strong material against the Applicant, mainly because of total inaction on the part of the prosecution. The Applicant is arrested on 20/06/2016. Almost 8 years have passed from his arrest and there is absolutely no progress in the trial. The Applicant cannot be kept behind bars indefinitely without any progress in the trial. Therefore, I am entertaining this application.

5. As far as merits are concerned, there is a strong material against the present Applicant. Briefly stated, this case is about the murder of one Vinayak Patole. There was enmity between two groups at Indira Nagar and Datta Nagar at Pune. On 19/06/2016, the deceased Vinayak and his friend Laxmikant had gone to Jai Hind Petrol Pump at Mahavir Chowk, Chinchwad. About 11 named accused came at the spot and started assaulting Vinayak. The specific allegations against the present Applicant are that he picked up a cement block kept nearby and gave blows on the head of the deceased Vinayak. The other accused Akash also gave blows on the head of the deceased repeatedly. The FIR was lodged by the father of the deceased. He was not an eyewitness, but he was informed by the eyewitness. The charge-sheet shows that there are eyewitnesses to the incident viz. Laxmikant Naik, Anna @ Ashish Shinde, Atul Gore. Out of them, Laxmikant was knowing the accused and he has specifically named the accused and has attributed specific roles to them. Ashish and Atul were not knowing the accused, but they had seen the incident. There is CCTV footage which

was seen by the witness Sham Devkar and he had identified the present Applicant in the CCTV footage. The post-mortem notes show that the deceased had suffered five serious injuries including four head injuries. There was depressed comminuted fracture of the size 15 cm x 7 cm. The cause of death was 'Head injury'. The injuries are very serious.

6. There is no doubt that there is strong material against the present Applicant. But it was for the prosecution to have taken immediate steps so that the Trial could start and conclude within a reasonable period. On the last occasion, I had directed the Trial Court to send the report as to why the trial was not progressing. The District Judge-13 and Additional Sessions Judge, Pune has sent his report dated 16/04/2024. It is mentioned how the matter travelled from one Judge to another. There was reference to Bail Application preferred by the accused No.2 which was pending for some time and there is reference to the requirement of supplying the CCTV footage and a copy of Test Identification Parade Panchanama to the defence. It is very unfortunate and sad that in such a serious and cruel offence, the

prosecution has not taken any steps to see to it that the culprits are brought to justice. A simple step of providing Test Identification Parade Panchanama is not complied with by the prosecution. Even the CCTV footage, which would be important, is not supplied to the defence.

7. It is high time that the concerned person are held responsible for this delay. The delay is definitely inordinate. The Applicant is in custody for almost 8 years without trial. Therefore, only on this count I am constrained to grant bail to the present Applicant. However, the State of Affairs will have to be brought this to the notice of the higher officers of the investigating agency and of the prosecution. It is high time that the concerned officers and public prosecutors are held accountable and responsible for this delay.

8. Hence, the following order :

**ORDER**

- (i) In connection with C.R.No.371/2016, dated 20/06/2016, registered with Pimpri Police

Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station on every Sunday till conclusion of the trial.
- (iii) Though as of today all the accused are granted bail, this trial shall be kept in the category of Under Trial Prisoners.
- (iv) A copy of this order shall be sent to the Police Commissioner, Pimpri Chinchwad and the Director of Prosecution, Maharashtra State for taking appropriate action and corrective steps.
- (v) The application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**