



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.631 OF 2024

Kumar Shivaji Gade ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Pooja Agarwal (through Video Conference), Advocate, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 27th MARCH 2024

PC:-

1. Heard Ms. Agarwal, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP 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.	212 of 2023
2.	Date of registration of F.I.R.	05/04/2023
3.	Name of Police Station	Bharti Vidypeeth, Pune
4.	Section/s invoked	302, 120-B, 118 r/w. 34 of the I.P.C., 1860; 4 and 25 of Arms Act, 1959;

		37(1) and 37(3) of the Maharashtra Police Act, 1951.
5.	Date of incident	05/04/2023
6.	Date of arrest	07/04/2023
7.	Date of filing of Charge-sheet	.July 2023

3. As per the prosecution case, the Accused persons assaulted the deceased due to previous enmity between them.

4. Ms. Agarwal, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. She submitted that the child in conflict with law informed the Accused No.1-Harshal *alias* Sonya Sable and the present Applicant i.e. Accused No.2-Kumar Shivaji Gade that he would be killing the deceased-Tanmay. She submitted that there are total 6 Accused persons out of which 4 Accused are children in conflict with law. She submitted that as far as the present Applicant is concerned, he was not present on the spot. She submitted that the Applicant is a student. Therefore she prayed that the Applicant be released on bail.

5. On the other hand, Mr. Mangaonkar, learned APP for the Respondent-State strongly opposed the Bail Application. He

submitted that the Applicant has participated in the assault. He further submitted that there is a criminal antecedent against the Applicant and therefore the Bail Application be rejected.

6. Perusal of the record shows that in the present case, the incident in question occurred on 5th April 2023, F.I.R. was lodged on 5th April 2023, the Applicant was arrested on 7th April 2023 and, Charge-sheet was filed in July-2023. There is no progress in the trial. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. Ms. Agarwal, learned Counsel appearing for the Applicant states that as several witnesses are from the Pune district, the Applicant will therefore not reside within District – Pune and that the Applicant will reside at C/o. Mr. Kunal Shivaji Gade, Shirwal Village, near Ganpati Temple, vgre taka, Taluka – Khandala, District-Satara.

8. The Applicant does not appear to be at risk of flight.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

10. In view thereof, the following order:-

ORDER

- (a) The Applicant – Kumar Shivaji Gade be released on bail in connection with C.R. No.212 of 2023 registered with the Bharti Vidyapeeth Police Station, District - Pune on his furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (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 of any change thereto.

- (d) The Applicant shall report to the Shirwal Police Station, Taluka - Khandala, District - Satara once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Shirwal Police Station, Taluka - Khandala, District – Satara 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness 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 thereat.

(h) 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.]