

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

BAIL APPLICATION NO.786 OF 2024

Suraj *alias* Monya Sanjay Dhendge

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Shailesh Kharat, Advocate, for the Applicant.

Ms. Supriya Kak, APP, for the Respondent – State.

Mr. Somnath Jaywant Kachare, PSI, Shikrapur Police Station,
Tahsil – Shirur, District – Pune present

CORAM: MADHAV J. JAMDAR, J.

DATE: 26.02.2024

P. C.

1. Heard Mr. Kharat, learned Counsel appearing for the Applicant and Ms. Kak, 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.	523 of 2019
2.	Date of registration of F.I.R.	06.08.2019
3.	Name of Police Station	Shikrapur Police Station, Pune
4.	Section invoked	307 of the I.P.C., 1860
5.	Date of incident	06.08.2019
6.	Date of arrest	06.08.2019
7.	Date of filing of Charge-sheet	2019

3. As per the prosecution case, one Ms. Kajal was in a relationship with one Mr. Shubham Shirsat. Later on, said Kajal became friends with Shubham Shinde and their relationship developed. As per the prosecution case, the informant has helped them. Therefore, the Accused held a grudge against the informant. Therefore, the Accused assaulted the informant as well as his brother. The informant - Kiran Rohidas Chavan and his brother were mercilessly assaulted and they both eventually succumbed to the resultant injuries.

4. It is the contention of learned Counsel appearing for the Applicant that the Applicant is in custody since 06.08.2019 and the trial has not been conducted yet. Accused - Kaushalya *alias* Shubham Shivaji Mahadik who is having the same role has been granted bail by this Court by Order dated 17.01.2023 passed by a learned single Judge (Coram : N. R. Borkar, J.) in B. A. No.2836 of 2022. He submitted that the other Accused has also been enlarged on bail by the learned Sessions Court. He further submitted that there is no recovery at the instance of the Applicant.

5. On the other hand, Ms. Kak, learned APP appearing for the Respondent - State vehemently opposed the Bail Application. She submitted that there are eye witnesses to the incident. She

submitted that the informant and the deceased have been mercilessly assaulted by the Applicant and other co-Accused. Therefore, bail may not be granted to the Applicant.

6. Mr. Kharat, learned Counsel appearing for the Applicant heavily relied on the above referred Order dated 17.01.2023 passed by a learned Single Judge. The said Order shows that as the trial was not conducted, the learned Single Judge had granted bail to the co-Accused - Kaushalya *alias* Shubham Shivaji Mahadik. Therefore, Mr. Kharat, learned Counsel appearing for the Applicant is right in claiming parity. He states that there are no antecedents.

7. The Applicant is behind bar for about 4 & ½ years. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused.¹ Therefore, the Applicant is entitled for bail.

8. As far as the Applicant is concerned, there is one antecedent in connection with C. R. No.174 of 2019 for the offence punishable under Section 392 r/w. 34 of the *Indian Penal Code, 1860*. However, Mr. Kharat, learned counsel appearing for the

¹ Hussainara Khatoon (IV) v. Home Secy., State of Bihar, (1980) 1 SCC 98

Applicant states that he has been released on bail in the said case.

9. The trial is likely to take a considerably long time.
10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Suraj *alias* Monya Sanjay Dhendge be released on bail in connection with C. R. No.523 of 2019 registered with the Shikrapur Police Station, District - Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount, if not required in any other case.
- (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 Shikrapur Police Station, District - Pune after every 15 days on the first and third 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 enter Taluka - Shirur, District - Pune.

(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.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J]