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

BAIL APPLICATION NO.838 OF 2024

GOKUL PRATAP CHAVHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Amit Icham a/w Adv. Pradip Gavade for the applicant.
Ms. Megha S. Bajoria, APP for the State.
API S. R. Karpe, Mundhwa Police Station, Pune City.

CORAM : M. S. KARNIK, J.

DATE : MARCH 5, 2024

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302 read with 201 of the Indian Penal Code (hereafter 'IPC' for short) registered on 05.02.2015 vide FIR bearing C.R. No.12 of 2015 with Mundhwa Police Station, Pune.
- 3.** The earlier bail application No.2523 of 2023 filed by the present applicant was disposed of by an order dated 07.10.2023. The relevant portion of the order dated 07.10.2023 reads thus :-

"2. Considering the observations made by the trial Court in paragraph No.5 of the order dated 26/07/2023, that the trial has come to the fag end and substantial part of the evidence of the prosecution is over, in the facts and circumstances of the present case, I deem it appropriate to request the trial Court to conclude the trial within a period of 3 months from today.

3. The applicant is at liberty to apply for bail after 3 months, if the trial does not conclude. The applicant to co-operate with the trial Court and shall not seek unnecessary adjournment."

4. Learned APP opposed the application for bail. Learned APP submitted that only the investigating officer and doctor remain to be examined. She submitted that the trial likely to be concluded maximum within a period of three months from today. It is therefore submitted that considering the seriousness of the accusations and the advanced stage of the trial this application should not be entertained. Learned APP submitted that one dead body was found floating in the well situated in a field of one Jagannath Mhetre. The police visited the spot and dead body was taken out of the well. The assault on the victim was brutal. The case against the applicant is based on circumstantial evidence. Learned APP submitted that considering the gravity of the offence the applicant should not be enlarged on bail.

5. I am informed that the prosecution had applied for alteration of charge. The charge was altered on 01.12.2023. An attempt was made by learned APP to contend that the trial is protracted at the behest of the applicant. Learned counsel for the applicant assured that the applicant will co-operate with the trial Court.

6. The applicant was arrested on 11.02.2015. The applicant is in pre-trial custody for more than nine years. The material witnesses have been examined. There is no question of tampering with the witnesses as only the investigating officer and the doctor remain to be examined. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Gokul Pratap Chavhan in connection with C.R. No.12 of 2015 registered with Mundhwa Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Mundhwa Police Station, Pune once in a week every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.

(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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not leave the State of Maharashtra without leave of the trial Court.

7. The application is disposed of.

(M. S. KARNIK, J.)