



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

CRIMINAL APPEAL NO. 342 OF 2023

HANUMANT DHONDIBA DOMBALE ..APPELLANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Ashish Satpute for the Appellant.

Adv. Priyanka H. Chavan for Respondent No.2.

Ms. S.D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 5, 2024

JUDGMENT:

1. Heard learned counsel for the appellant Shri Ashish Satpute, learned counsel for respondent No.2 Ms. Priyanka H. Chavan who was appointed by this Court and learned APP for the State.

2. This is an appeal for bail in respect of the offence punishable under Sections 302, 201, 404 of the Indian Penal Code, 1860, and Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered on 20/03/2018 vide C.R. No.116 of 2018 with Vadgaon Nimbalkar Police Station, Pune.

3. Learned counsel for respondent No.2 and learned APP opposed the appeal.

4. The appellant was arrested on 21/03/2018. It is alleged that the appellant was upset by the fact that the deceased had made indecent/lewd gestures towards the wife of the appellant. It is, therefore, alleged that the appellant killed the deceased - Santosh by giving a blow on his head with a stone. A motorcycle was recovered from the appellant which belonged to the deceased. It is alleged that the body of the deceased was taken on this motorcycle for disposing of the same into a canal. Learned APP and learned counsel for respondent No. 2 submitted that the appellant was last seen in the company of the deceased by several witnesses. Learned APP requests for expediting the trial instead of releasing the appellant on bail.

5. The case of the prosecution is based on circumstantial evidence. I am informed that the charge has been framed and the prosecution proposes to examine around 40 witnesses. Learned APP submits that all witnesses may not be examined. All said, it appears that

the trial is not likely to conclude any time soon. I am not inclined to expedite the trial considering the workload of the trial Court. The appellant is in pre-trial custody for more than 5 years and 10 months. Considering the facts and circumstances of the present case, I am inclined to enlarge the appellant on bail as further incarceration will only be by way of a pre-trial punishment. There are no criminal antecedents reported against the appellant. The appellant does not appear to be a flight risk. However, I propose to impose stringent conditions. Hence, the following order:-

ORDER

- a. The appeal is allowed.
- b. The appellant- Hanumant Dhondiba Dombale in connection with C.R. No.116 of 2018 registered with Vadgaon Nimbalkar Police Station 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 appellant 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 appellant shall attend the Investigating Officer of the concerned police station once in three months, first Monday of the concerned month,

between 11.00 a.m. and 1.00 p.m., commencing March 2024.

e. The appellant 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 appellant shall not tamper with evidence.

f. On being released on bail, the appellant shall furnish his contact number and residential address to the Investigating Officer and to the trial Court and shall keep them updated, in case there is any change.

g. Except for attending the trial and attending the Investigating Officer, the appellant shall not enter Taluka- Daund, District- Pune, after being released on bail, till the trial concludes.

h. The appellant shall attend the trial regularly. The appellant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

i. The appellant shall surrender his passport to the Investigating Officer. If the appellant does not have a passport, the appellant shall file an affidavit before the trial Court to that effect.

6. The appeal is disposed of.

7. I appreciate the valuable assistance rendered by Advocate Priyanka H. Chavan, who appeared on behalf of

respondent No.2 in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)