



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 886 OF 2024

Kiran Ashok Shinde ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Amit Icham, Advocate, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.
Mr. P. V. Musale, Head Constable, Chandan Nagar Police Station,
Pune City, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd APRIL 2024

P. C.:

1. Heard Mr. Icham, 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.	249 of 2019
2.	Date of registration of F.I.R.	12/06/2019
3.	Name of Police Station	Chandan Nagar , District-Pune
4.	Section/s invoked	302 of the Indian Penal Code, 1860 37(1), 135 of the Maharashtra Police Act, 1951

5.	Date of incident	11/06/2019
6.	Date of arrest	20/06/2019

3. Prosecution case as set out in Order dated 13th February 2020 passed by a learned Additional Sessions Judge, Pune below Exhibit-3 in Sessions Case No.864 of 2019 is reproduced herein below for ready reference:-

“It is the case of the prosecution that accused was having one sided love with one girl Veena Patale. But Veena was having love affair with her colleague Samadhan Thorat. Accused having suspicion about her love affair. Hence from last six months he was under impression that he has been cheated by Veena. Therefore, on 11/6/2019 at 22.00 hrs at Chandannagar near signal of water tank near compound of tin sheets situated inside of service road of Pune-Nagar road accused made assault on Veena by means of knife. He gave repeated blows on her right shoulder front and back side, left hand, chest, stomach and face and murdered her. Therefore, on the complaint of complainant this offence came to be registered under section 302 of IPC and 37(1) (135) of Bombay Police Act. Applicant was arrested on 12/6/2019. Initially he was remanded in PC. Now he is in Magistrate Custody.”

4. Mr. Icham, learned Counsel for the Applicant submitted that the incident in question occurred in the heat of the moment. He submitted that in fact, the Applicant attempted suicide after the

incident. The Applicant and the deceased were in a relationship. The Applicant is a young man aged 26 years and incarcerated since 20th June 2019. He submitted that when the incident in question occurred, the Applicant was 22 years old. He submitted that the Applicant was released on bail for **two years and seven months** during the COVID-19 pandemic and that he never misused the liberty. He therefore submitted 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 mercilessly assaulted the deceased and that there are eye-witnesses to the incident in question. He therefore submitted that the Bail Application be rejected. On instructions, he submitted that there are no criminal antecedents against the Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 11th June 2019, F.I.R. was lodged on 12th June 2019, the Applicant was arrested on 20th June 2019 and he is incarcerated till date except for a period of **two years and**

seven months when he was released on bail during the COVID-19 pandemic. Thus, the Applicant is under incarceration for more than **two years and two months**. Although the trial has commenced, the charge was framed on 16th November 2021 and the first witness was examined on 15th July 2023. Mr. Mangonkar, learned APP submitted that there are total 18 witnesses proposed to be examined by the prosecution out of which 6 witnesses have been examined. Accordingly, the trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention of Mr. Icham, learned Counsel for the Applicant that the incident in question occurred on the spur of the moment and that in fact, after the incident the Applicant attempted suicide.

8. The Applicant does not have any criminal antecedents.

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

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

11. In view thereof, the following order:-

ORDER

- (a) The Applicant – Kiran Ashok Shinde be released on bail in connection with C.R. No.249 of 2019 registered with the **Chandan Nagar** Police Station, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (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 **Chandan Nagar** Police Station, District - Pune on the first 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 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.

- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) 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 merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]

Note: This order is modified as per Speaking to the Minutes Order dated 4th April 2024. The relevant corrections are shown in bold in paragraph Nos. 2, 4, 6 and 11.