



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.890 OF 2023

Kiran Dada More ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Aniket Nikam a/w. Mr. Amit Icham and Mr. Dushyant Digambar, Advocates, for the Applicant.
Ms. Savita Yadav, APP, for the Respondent-State.
Mr. Tushar Balu Londhe, Police Constable, Baramati Taluka Police Station, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd MARCH 2024

PC:-

1. Heard Mr. Nikam, learned Counsel for the Applicant and Ms. Yadav, 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.	16 of 2022
2.	Date of registration of F.I.R.	10/01/2022
3.	Name of Police Station	Baramati Taluka Police Station, Pune Rural

4.	Section/s invoked	302 and 307 of the I.P.C., 1860 4 and 25 of the Arms Act, 1959
5.	Date of incident	09/01/2022
6.	Date of arrest	10/01/2022
7.	Date of filing of Charge-sheet	April, 2022

3. As per the prosecution case as reflected in the statements annexed to the Charge-sheet, the deceased and the Applicant were neighbours. The deceased and her family members used to repeatedly harass and threaten the Applicant and his wife. One day prior to the incident in question i.e. on 8th January 2022, the deceased had thrown a sickle towards the wife of the Applicant. The son of the deceased-Ajinkya More used to threaten the Applicant's wife. On the day of the incident in question i.e. on 9th January 2022, the Applicant went to the deceased to confront her about her act of throwing a sickle at his wife and at that time, the deceased abused the Applicant. As per the prosecution case, thereafter the Applicant assaulted the deceased with an axe.

4. Mr. Nikam, learned Counsel for the Applicant submitted that the Applicant is incarcerated for almost 2 years and 2 months. The

incident in question has occurred out of anger and on the spur of the moment. The investigation is complete. Charge-sheet is filed. He submitted that there is no progress in the trial except framing of the charge. He submitted that there are no criminal antecedents against the Applicant.

5. On the other hand, Ms. Yadav, learned APP for the Respondent-State strongly opposed the Bail Application. She pointed out the statement of wife of the Applicant-Vidya Kiran More (Page-139). She also pointed out the injuries on the body of the deceased and submitted that the Applicant has mercilessly assaulted the deceased. She also submitted that there are about 7 eye-witnesses to the incident and there is recovery of a motorcycle, blood-stained clothes of the Applicant and a cell phone. She therefore, submitted that the Bail Application be rejected. On taking instruction, Ms. Yadav, learned APP 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 9th January 2022, F.I.R. was lodged on 10th January 2022, the Applicant was arrested on 10th

January 2022 and, Charge-sheet has been filed in April-2022. Except framing of the charge on 12th August 2022, there is no further progress in the trial. As per the Charge-sheet, there are 40 witnesses proposed to be examined by the prosecution. 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. Nikam, learned Counsel for the Applicant that the incident in question has occurred out of anger and on the spur of the moment.

8. There are no criminal antecedents against the present Applicant.

9. Mr. Nikam, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within Taluka-Baramati, District – Pune and that the Applicant will reside at C/o. Vikas Bharat Salve, At Post- Mauje Ekshiv, Near Grampanchayat Office, Taluka-Malshiras, District – Solapur.

10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

- (a) The Applicant - Kiran Dada More be released on bail in connection with C.R. No.16 of 2022 registered with the Baramati Taluka Police Station, District - Pune on his furnishing P.R. Bond of Rs.15,000/- with one or two local sureties in the like amount.
- (b) The Applicant shall not enter the Taluka-Baramati, District- Pune 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 Natepute Police Station, District – Solapur once in a month, on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Natepute Police Station, District – Solapur 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.

13. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]