



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

BAIL APPLICATION NO. 1628 OF 2024

JEEVAN DATTA DONGARE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Priyal G. Sarda a/w Adv. Shubham Sane for the
Applicant.

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

Mr. Dattatraya M. Sukale, PSI, Chakan Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 18, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is the second application for bail in respect of the offence punishable under Sections 302, 143, 147 and 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act registered on 17/02/2020 vide C.R. No.161 of 2020 with Chakan Police Station, Pune.
3. Earlier Bail Application No.4037 of 2023 was withdrawn vide order dated 19/12/2023. The said order reads thus:

"1. The applicant is in custody for more than three years and ten months. I am informed that even the charge has not been framed so far. Learned counsel for the applicant on instructions seeks leave to withdraw this application with liberty to file fresh application for bail after three months.

2. The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly."

4. The applicant was arrested on 17/02/2020. It is the case of the prosecution that the applicant's wife was working with the deceased who was her employer. On 17/02/2020, it was noticed that the applicant's wife had not reported for work. At around 10 a.m., the applicant, his wife and her grandmother came to the workshop in an autorickshaw. There was some fight going on between them. The applicant's wife then came inside the workshop. The deceased was working on a machine. She told the deceased that she would not be able to report for work today. The applicant followed her in the workshop and asked who is the owner. The deceased questioned the applicant as to how he entered the workshop without authorisation. There was some quarrel that took place. The deceased slapped the applicant. The applicant left and in the afternoon at around 3.00 p.m. came back along with 5-

6 persons. It is alleged that the applicant started a quarrel with the deceased. The applicant hit the deceased with a stone on his head and an unknown person accompanying the applicant also hit the deceased with a stone on his head.

5. Learned APP opposed the application and submitted that there are eyewitnesses to the incident. According to the learned APP, a specific role has been assigned to the applicant that he has assaulted the victim with a stone on his head.

6. There are no criminal antecedents reported against the applicant. The applicant is now in custody for more than 4 years as an undertrial. Even the charge has not yet been framed. The trial is not likely to conclude any time soon. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. The applicant is not a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Jeevan Datta Dongare in

connection with C.R. No.161 of 2020 registered with Chakan Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter into the jurisdiction of Chakan Police Station, till further orders of the trial Court.

(e) The applicant shall attend the Investigating Officer of Chakan Police Station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m.

(f) 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.

(g) 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.

(h) The applicant shall attend the trial regularly. The

applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)