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

BAIL APPLICATION NO.1687 OF 2024

1. AMOL DILIP DUMBARE
2. CHETAN DILIP DUMBARE ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Nitin Gaware Patil a/w Adv. Narayan Rokade for the
applicants.

Mr. Prasanna Malshe, APP for the State.

CORAM : M. S. KARNIK

DATE : 8 MAY, 2024

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 307, 341, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 14.11.2019 vide C.R. No.314 of 2019 with Lasalgaon Police Station.
3. The earlier Bail Application No.549 of 2023 filed by the applicants was allowed to be withdrawn on 04.09.2023 with liberty to apply after six months.

4. Learned APP opposed the application for bail.

5. I am informed that the charge was framed on 10.03.2023. There are 19 witnesses to be examined. Not a single witness has been examined so far. The applicants were arrested on 17.11.2019. The applicants are in custody almost for four years and six months. It is the case of the prosecution that on 14.11.2019 when the complainant was coming to Niphad near Hanuman Temple Vahegaon, Taluka Niphad, District Nashik the present applicants and the other accused obstructed his motorcycle. The applicant No.1-Amol Dilip Dumbare caught hold of the complainant. The applicant No.2-Chetan Dilip Dumbare inflicted injuries on the both legs of the complainant with an axe. The complainant sustained grievous injuries. When the complainant tried to resist, the applicant No.1 gave a blow with the axe on the head of the complainant. However, the damage was prevented as the complainant tried to save the blow with his hand. The axe has been recovered at the instance of the applicants. There are no criminal antecedents reported against the applicants. The

investigation is complete. The charge-sheet has been filed. Considering that the applicants are in custody for more than four years and six months with no possibility of the trial concluding any time soon, in the facts and circumstances of the present case I am inclined to enlarge the applicants on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants-Amol Dilip Dumbare and Chetan Dilip Dumbare in connection with C.R. No.314 of 2019 registered with Lasalgaon Police Station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) Except for attending the trial, the applicants shall not enter the jurisdiction of Niphad taluka till the trial concludes. Liberty to apply to the trial Court for modification of this condition after six months. The application be considered on its own merits.
- (d) The applicants shall furnish details of their contact number and residential address to the trial Court as well as the concerned police station and shall

report to the nearest police station at the place of his residence outside Niphad taluka once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m.

(e) The applicants 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 applicants shall not tamper with evidence.

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

6. The bail application is disposed of.

(M. S. KARNIK, J.)