

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

CRIMINAL BAIL APPLICATION NO. 2072 OF 2023

Sanjay Mohan Manjule

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the Respondent-State.
API Ms. Snehal Gurav, Khed Police Station - Pune, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 29th JANUARY 2024

P. C.

1. Heard Ms. Parulekar, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing 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.	428 of 2019
2. Date of registration of F.I.R.	13 th December 2019
3. Name of Police Station	Khed Police Station, Pune District.
4. Section/s invoked	302, 143, 148, 149, 206 of I.P.C. 1860 and 4(25) of Arms Act, 1959.
5. Date of incident	13 th December 2019
6. Date of arrest	15 th December 2019
7. Date of filing Charge-sheet	13 th March 2020

3. The Applicant, who is Accused No.4 in C. R. No.428 of 2019 registered with Khed Police Station, Pune District, is seeking regular bail.

4. As per the prosecution case, the Accused No.1-Mayur Tambe was having a dispute with the deceased-Navnath Laxman Zodage on account of allotment of contract of scrap. The deceased was appointed as a Sub-Contractor of Dhoot Builders Construction Company and there is some dispute regarding the said appointment. As per the prosecution case, on 13th December 2019, Accused No.1-Mayur Popat Tambe and four unknown persons assaulted the deceased. Accused No.1-Mayur Popat Tambe assaulted the deceased and other four unknown persons prevented others from protecting or saving the deceased during the said assault. Mayur Tambe assaulted the deceased with a sickle and the deceased succumbed to the resultant injuries.

5. Ms.Parulekar, learned Counsel appearing for the Applicant states that the Applicant is under incarceration from 15th December 2019 i.e. for more than 4 years and 1 month. There is no progress in the trial. She submitted that Accused Nos.2 and 3, who have similar role, have been

released on bail by Order dated 18th October 2022 passed by a learned Single Judge (Coram: Prakash D. Naik, J.) in Criminal Bail Application No.4245 of 2021 and by Order dated 27th February 2023 passed by a learned Single Judge (Coram: N.R. Borkar..) in Criminal Bail Application No.2888 of 2022 respectively. She therefore stated that the Applicant is entitled to be enlarged on bail.

6. Ms.Kaushik, learned APP strongly opposed the Bail Application. She submitted that the Accused No.3-Durgesh Balasaheb Gade has been identified by four persons and that the Applicant was present on the spot when and where the offence in question was committed and that the Applicant prevented others from protecting or saving the deceased during the said assault.

7. Perusal of the prosecution case clearly shows that the Accused No.1-Mayur Tambe has performed a major and significant role in the said assault. He has actually assaulted the deceased with a sickle. There is no active role attributed to the present Applicant. The present Applicant and Accused No.3-Durgesh Balasaheb Gade have been identified by four witnesses. However, no role has been attributed to the present Applicant as well as Durgesh

Balasaheb Gade-Accused No.3. Accused No. 3 has been released on bail by Order dated 18th October 2022 by learned Single Judge (Coram: Prakash D. Naik, J.).

8. Accused No.2-Tejas Dinkar Manjre has also been attributed same role and he has also been released on bail by Order dated 27th February 2023 passed by learned Single Judge (Coram: N.R. Borkar, J.).

9. The Applicant is incarcerated since 15th December 2019 i.e. for around 4 years and 1 month. The trial has not yet commenced.

10. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 13th March 2020. There are 22 witnesses as per the Charge-sheet. The trial is likely to take a considerably long time.

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

12. The Applicant does not have any criminal antecedents.

13. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Sanjay Mohan Manjule be released on bail in connection with C. R. No.428 of 2019 registered with the Khed Police Station, Taluka-Khed, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 Khed Police Station, Taluka-Khed, District-Pune on the first Saturday of every month between 11.00 a.m. and 1.00 p.m. until further orders.

(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 evidence and shall not contact or influence the Complainant or any witnesses 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.

14. The Bail Application is disposed of accordingly.

BHALCHANDRA
GOPAL DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
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