

Dusane

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

CRIMINAL BAIL APPLICATION NO. 2068 OF 2023

Prakash @ Pakya Tukaram Shinge ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vikas Shivarkar for Applicant

Ms. Veera Shinde, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 22nd JANUARY 2024

P.C.

1. Heard Mr. Shivarkar, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	441 of 2020
2.	Date of Registration of F.I.R.	15th November 2020
3.	Name of Police Station	Nigadi Police Station, Pune
4.	Sections Applied	302, 307, 326, 324 of I.P.C., 1860.
5.	Date of Incident	15th November 2020

6.	Date of Arrest	25th November 2020
7.	Date of filing of Charge-sheet	15th February 2021

3. As per the prosecution case, the Applicant's brother-Mallesh Shinge had died in a road accident. As per the opinion of the Applicant and his family members, the deceased and his family members are responsible for the said accident. Therefore, the Applicant has assaulted the deceased with a knife.

4. It is the contention of the learned Counsel appearing for the Applicant that the incident in question occurred on 15th November 2020 and the Applicant is incarcerated since 25th November 2020. He submitted that although the Applicant is incarcerated for more than 3 years, there is no progress in the trial.

5. Ms. Shinde, learned APP opposed the bail Application. She submitted that there are two eye-witnesses. Ms. Shinde also states that there are antecedents and C. R. No. 966 of 2019 was lodged against the Applicant under Section 427 of *Indian Penal Code, 1860*, Section 4(25) of the *Arms Act, 1959* and Sections 37(1) and 135 of the *Maharashtra Police Act, 1951*.

6. However, it is to be noted that as per the prosecution case the deceased and his family was responsible for an accident, in which the Applicant's brother has died and therefore the

Applicant has grudge against the deceased and therefore the subject incident took place.

7. It is an admitted position that although the Charge-sheet is filed on 15th February 2021, the trial has not yet started. Even the Charges are also not framed. There are total 20 witnesses as per the Charge-sheet. The trial is likely to take a considerably long time.

8. Mr. Shivarkar, learned Counsel appearing for the Applicant states that as several witnesses are residing at Pune, the Applicant will therefore not reside within District Pune and that the Applicant will reside at his sister's place i.e. C/o Mrs. Kavita G. Natekar, Afzalpur, Gulbarga, District (Karnataka state) and he will report to Akkalkot Police Station, Taluka Akkalkot, District Solapur (Maharashtra State).

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

(a) The Applicant Prakash @ Pakya Tukaram Shinge be released on bail in connection with C. R. No. 441 of 2020, registered with Nigadi Police Station, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Pune District 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 reside at C/o Mrs. Kavita G. Natekar, Afzalpur, Gulbarga, District (Karnataka state) and furnish his cell phone number and residential address to the Investigating Officer while residing outside Pune District and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Akkalkot Police Station, Taluka Akkalkot, Solapur District once every month, on every Monday between 11.00 a.m. and 1.00 p.m. till the conclusion of trial. The Police Inspector of Akkalkot 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 any Police personnel.

(f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or

any witnesses 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.

11. The Application is disposed of accordingly.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
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