

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

BAIL APPLICATION NO. 2208 OF 2023

Akshay Sunil Mohite

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Vaibhav R. Gaikwad a/w. Mr. Atharva R. B. & Mr. Yash M. Naik, Advocate for the Applicant.

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

Mr. S. A. Tambe, Police Naik, B. No.393, Khandala Police Station, District – Satara, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 05.02.2024

P. C.

1. Heard Mr. Gaikwad, 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.	94 of 2020
2.	Date of Registration of F.I.R.	20.07.2020
3.	Name of Police Station	Khandala Police Station – Satara district
4.	Sections invoked	302, 504, 506, 188 of the I.P.C., 1860 and 37(1) and 37(3) of the Maharashtra Police Act, 1950

5.	Date of incident	19.07.2020
6.	Date of arrest	20.07.2020
7.	Date of filing Charge-sheet	30.09.2020

3. Mr. Gaikwad, learned Counsel appearing for the Applicant submits that the Applicant is incarcerated for more than three years and seven months. There are two accused involved in the offence in question. Other co-accused – Amit Shivaji Chavan has been granted bail by a learned Single Judge (Coram : S. M. Modak, J.) by Order dated 07.06.2023 passed in B. A. No. 932 of 2023. He submitted that the Applicant is physically challenged and his disability is to the extent of 40%.

4. As per the prosecution case, the Applicant was under the belief that his wife and the deceased were in a relationship outside of marriage. Due to the said belief, there was an altercation between the Applicant and the deceased during which the Applicant assaulted the deceased with a knife which was kept in his motor cycle and the deceased succumbed to the injuries suffered during the said assault by the Applicant.

5. A perusal of the record shows that the incident in question has occurred on 19.07.2020. F.I.R. has been lodged on 20.07.2020. The Applicant has been arrested on 20.07.2020 and the Charge-sheet has been filed on 30.09.2020. Although the

Charge is framed, however, there is no substantial progress in the trial. As per the Charge-sheet, there are about 13 witnesses to be examined by the prosecution. The Applicant is incarcerated for more than three years and seven months. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

6. Mr. Gaikwad, learned Counsel appearing for the Applicant produced a Certificate issued by the Medical Board which certifies that the Applicant's physical disability is more than 40%.

7. The Applicant does not have any criminal antecedents.

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

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

ORDER

(a) The Applicant - Mr. Akshay Sunil Mohite be released on bail in connection with C. R. No. 94 of 2020 registered with the Khandala Police Station, District - Satara on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent 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 Khandala Police Station, District - Satara, once a week, on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial. (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.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. 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.]