

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

BAIL APPLICATION NO.2288 OF 2023

Mr. Mangesh Balasaheb Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b Saili Naresh Dhuru, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent-State.
Mr. Ratnadeep Birajdar, P.S.I., Loni Kalbhor Police Station, District-Pune,
present.

**CORAM: MADHAV J. JAMDAR, J.
DATED: 19 MARCH 2024**

P.C.:

1. Heard Mr. Patil, learned Counsel for the Applicant and Ms. Shinde, learned APP 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.	52 of 2021
2	Date of registration of F.I.R.	27/01/2021
3	Name of Police Station	Loni Kalbhor, District-Pune
4	Section/s invoked	302, 506 r/w 34 of the I.P.C., 1860; 4 & 25 of the Arms Act, 1959
5	Date of incident	27/01/2021
6	Date of arrest	31/01/2021
7	Date of filing Charge-sheet	April 2021

3. As per the prosecution case, there was an earlier offence bearing

C.R. No.70 of 2020 registered with Loni Kalbhor Police Station, District-Pune against the deceased and his father. The said F.I.R. was lodged by Amol Jadhav. The said Informant-Amol Jadhav and the present Applicant are relatives.

4. The present Applicant-Mangesh Chavan is Accused No.4. Accused No.1 is Amol Jadhav, who was the Informant in said C.R. No.70 of 2020. Accused No.3-Amar Jadhav is the brother of the Accused No.1 and Accused No.2-Kalidas Jadhav is also the relative of the Accused. As the Accused were aggrieved by the earlier incident in which the deceased and his father had assaulted Amol Jadhav, the relations between these two families were strained.

5. As per the prosecution case, on 27th January 2021, the incident in question took place in which the Accused assaulted the deceased by means of a knife, sickle, and an iron rod and committed his murder.

6. Mr. Patil, learned Counsel for the Applicant submitted that the Applicant is incarcerated since 31st January 2021. Till date, there is no progress in the trial. He submitted that the previous incident took place in January 2020 and that the deceased and his father had assaulted the Accused No.1. He submitted that there are no antecedents against the Applicant.

7. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She pointed out the statements of Radha Datta Jadhav

(Page 67) and Alka Khandu Chavan (Page 70). She pointed out the probable cause of death as “*traumatic and hemorrhagic shock due to head injury and stab injury*”. She also pointed out the supplementary statements.

8. Perusal of record shows that the incident in question took place on 27th January 2021. F.I.R. was lodged on the same day i.e. 27th January 2021 and the Applicant was arrested on 31st January 2021. The Charge-sheet was filed in April 2021. As per the Charge-sheet, there are a total of 37 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even the charge is also not framed yet. The Applicant is incarcerated since more than 3 years and 2 months. There are no antecedents against the present Applicant.

9. *Prima facie* there is substance in the contention of Mr. Patil, learned Counsel that the incident in question took place due to an earlier incident of assault and that the Accused No.1 was assaulted by the deceased and his father and therefore an F.I.R. was lodged on 28th January 2020. In any case, the Applicant is incarcerated since more than 3 years and the trial will not conclude in the near future.

10. It is an admitted position that investigation has been completed and that Charge-sheet has been filed in April 2021. The trial is likely to take a considerably long time.

11. The Applicant does not have any criminal antecedents.

12. The Applicant does not appear to be at risk of flight.
13. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
14. In view thereof, the following order:-

ORDER

- (a) The Applicant-Mangesh Balasaheb Chavan be released on bail in connection with C.R. No.52 of 2021 registered with the Loni Kalbhor Police Station, District-Pune on his furnishing PR. Bond of Rs.25,000/- with one or two local 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 Loni Kalbhor Police Station, District-Pune once in a week i.e. on every Sunday 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 prosecution evidence and shall not contact or influence the Complainant or any witness 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.

15. The Bail Application is disposed of accordingly.

16. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]