

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

BAIL APPLICATION NO. 2294 OF 2023

Shripati *alias* Dadu Annappa Mane

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Satyavrat Joshi i/b. Mr. Ashish S. Vernekar, Advocate, for the Applicant.

Ms. Savita M. Yadav, APP, for the Respondent – State.

CORAM:MADHAV J. JAMDAR, J.

DATE :06.03.2024

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1. Heard Mr. Joshi, learned Counsel appearing for the Applicant and Ms. Yadav, 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.	180 of 2021
2.	Date of registration of F.I.R.	14.08.2021
3.	Name of Police Station	Umadi Police Station, Sangli
4.	Sections invoked	302, 364 and 201 of the I.P.C., 1860
5.	Date of incident	12.08.2021
6.	Date of arrest	15.08.2021
7.	Date of filing of Charge-sheet	11.11.2021

3. The deceased is the grand-mother of the Applicant. As per the prosecution case, the Applicant, from time to time, had given certain amount of money to the deceased for keeping the same safely. However, the deceased was not giving said money to the Applicant, as she was of the opinion that the Applicant will spend the said money. She has also not allowed the Applicant to take the advance payment for harvesting the sugarcane crop. Therefore, frequent altercations was going on between the Applicant and the deceased. As per the prosecution case, therefore, the Applicant was angry with the deceased and he hired a private vehicle to take the deceased to a secluded place and killed the deceased by assaulting her with a knife.

4. Mr. Joshi, learned Counsel appearing for the Applicant submitted that the only evidence against the Applicant is the last seen. He submitted that no case is made out against the Applicant for the offence punishable under Section 302 of the *Indian Penal Code, 1860*. He submitted that the Applicant is a young man aged 23 years. He submitted that although Charge-sheet was filed on 11.11.2021 and charge was framed on 27.07.2022, however, there is no further progress in the trial. The Applicant has no antecedents. Therefore, the Applicant may be enlarged on bail.

5. On the other hand, Ms. Yadav, learned APP appearing for the

Respondent – State vehemently opposed the Bail Application. She submitted that although the case is of circumstantial evidence, the circumstances are very strong. She pointed out the statement of Mr. Narayan Vitthal Koli (Page No.66), panchanama regarding C.C.T.V. footage (Page No.50) and recovery panchanama by which a *koyta* has been recovered from the Applicant (Page No.37). She, therefore, submitted that there is enough material to connect the Applicant with the alleged offences. She, therefore, submitted that bail may not be granted to the Applicant.

6. A perusal of the record shows that the date of the incident is 12.08.2021. F.I.R. was lodged on 14.08.2021. The Applicant has been apprehended on 15.08.2021. Although Charge-sheet was filed on 11.11.2021 and charge was framed on 27.07.2022, there is no further progress in the trial. As per the Charge-sheet, there are about 33 witnesses proposed to be examined by the prosecution. The trial will take a considerably long time to conclude.

7. The case is of circumstantial evidence. It is true that some of the circumstances are very strong. However, as the Applicant is incarcerated since 15.08.2021, there is no further progress in the trial except framing of charge on 27.07.2022 and even about one year and eight months thereafter, not a single witness has been examined by the

prosecution. The Applicant is a young man aged 23 years.

8. The trial is likely to take a considerably long time.

9. There are no antecedents.

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

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

ORDER

(a) The Applicant - Shripati *alias* Dadu Annappa Mane be released on bail in connection with C. R. No.180 of 2021 registered with the Umadi Police Station, District – Sangli on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Sangli district after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.

(c) The Applicant shall reside outside the Sangli district and shall communicate his address where he will reside and the nearest Police station thereto, to the learned Trial Court before being released on bail.

(d) 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.

- (e) The Applicant shall report to the nearest Police Station which is communicated to the trial Court once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of said Police Station to communicate details thereof to the Investigating Officer.
 - (f) 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.
 - (g) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
 - (h) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
 - (i) The Applicant shall surrender his passport, if any, to the Investigating Officer.
12. The Bail Application is disposed of accordingly.
13. 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.]