

BHALCHANDRA
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2311 OF 2023**

Malinga Sharnappa Mhetre

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar a/w Mr. Anosh Londhe for Applicant

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

Mr. B.M. Rapkar (API) Warje Malwadi Police Station, Pune City,
present.

CORAM: MADHAV J. JAMDAR, J.

DATE : 11th JANUARY 2024

P.C.:

1. Heard Ms. Parulekar, learned Counsel appearing for the Applicant and Mrs. Shinde, learned APP appearing for the Respondent-State.

2. This is a regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973*.

3. The relevant details are as follows:

1.	C.R. No.	25 of 2021
2.	Date of Registration of F.I.R.	20.01.2021
3.	Police Station	Warje Malwadi, Pune District
4.	Sections Applied	302, 201 of I.P.C., 1860
5.	Date of Incident	20.01.2021
6.	Date of Arrest	24.01.2021
7.	Date of filing of Charge-sheet	20.04.2022

4. As per the prosecution case, the deceased was a habitual alcoholic and used to assault several people in the locality. It is the prosecution case that there are total 8 accused involved in the crime in which the deceased was killed.

5. Ms. Shinde, learned APP strongly opposed the Bail Application on the ground that there is an extra-judicial confession by the present Applicant and the C.D.R. also shows the presence of the accused.

6. However, in this case the investigation is complete and the Charge-sheet is filed on 20th April 2022. There are 28 witnesses as reflected in the Charge-sheet. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

7. It is clear that the role of all the Accused is almost identical. 7 out of 8 Accused are already enlarged on bail. Therefore, the bail cannot be rejected on the ground of C.D.R.

8. As far as the contention that the Applicant has made an extra-judicial confession is concerned, Ms. Parulekar, learned Counsel appearing for the Applicant is right in submitting that the extra-judicial confession is a weak kind of evidence. The same is required to be proved at the time of trial. Therefore the same can not be relied upon as a ground for rejecting a Bail

Application.

9. The Applicant does not appear to be a flight risk.

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

ORDER

(a) The Applicant Malinga Sharnappa Mhetre be released on bail in connection with C.R. No.25 of 2021, registered with Warje Malwadi Police Station, District Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

(b) After 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 there is any change.

(d) The Applicant shall report to the Warje Malwadi Police Station, District Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of trial.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise or any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer.

(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.

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

11. The Application is disposed of.

[MADHAV J. JAMDAR, J.]