



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2664 OF 2023

Amol Baban Rajput

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Niranjan Bhavake a/w. Mr. Pranit Namde, Mr. Ajit Pawar, Ms. Drishti Madhani and Ms. Meghana Tiwari i/b. Bhavake and Associate, Advocates, for the Applicant.

Mr. Shriram S. Chaudhari, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 8th MARCH 2024

PC:-

1. Heard Mr. Bhavake, learned Counsel for the Applicant and Mr. Chaudhari, 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.	1577 of 2020
2.	Date of registration of F.I.R.	05/11/2020
3.	Name of Police Station	Hadapsar Police Station, Pune
4.	Section/s invoked	302 of the I.P.C., 1860

5.	Date of incident	04/11/2020
6.	Date of arrest	07/11/2020
7.	Date of filing of Charge-sheet	08/01/2021

3. As per the prosecution case, the deceased was a habitual alcoholic and he was unemployed. As the deceased was a habitual alcoholic, the wife and family of the deceased were not giving any money to the deceased. On the day of incident i.e. on 4th November 2020, the deceased had sought Rs.50/- from his son-Pravin. However, Pravin had not given the said amount. Thereafter, the deceased was not found at house and till late night he did not return to the house and therefore, inquiries were made and it was found that one neighbour-Ms. Usha Ghule has given Rs.20/- to the deceased. The wife of the deceased thought that the deceased might have consumed liquor and therefore he might not have returned to the house may be because he was in an inebriated state and had passed out somewhere. However, even by the next morning, the deceased had not returned to the house. At that time, at around 11.00 a.m. the wife of the deceased came to know that the deceased was lying in an agricultural field and when she went there, the deceased was found. It was discovered that he was

assaulted with stones. As per the prosecution case, the Applicant is responsible for the said offence.

4. Mr. Bhavake, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. The Applicant is behind bars since 7th November 2020 and that there is no progress in the trial. He submitted that there is no incriminating material against the Applicant.

5. On the other hand, Mr. Chaudhari, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the deceased was last seen together with the Applicant. There is recovery of the stone at the spot of the incident and recovery of blood stained clothes at the instance of the Applicant from his house. He pointed out statement of witnesses- Suresh Vilas Gholap (Page-71), Tushar Abhimanyu Gorgal (Page-73), Imran Bashir Khan (Page-74) and Navnath Rajendra Ghule (Page-75). He submitted that there are a total of 21 antecedents against the Applicant. He therefore, submitted that this is not a fit case for granting bail.

6. As far as 21 antecedents are concerned, Mr. Bhavake, learned Counsel submitted that in some of the cases, the Applicant has been acquitted. In any case, he pointed out that all antecedents are of the year 2016 or earlier and therefore, he prayed that the Bail Application be allowed. He submitted that as the antecedents are registered with different Police Stations at Pune and Pune (Rural), the Applicant will reside at village Rashin, Taluka-Karjat, District-Ahmednagar.

7. Perusal of the record shows that in the present case, the incident in question occurred on 4th November 2020, F.I.R. was lodged on 5th November 2020, the Applicant was arrested on 7th November 2020 and, Charge-sheet was filed on 8th January 2021. 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 4 months. As per the Charge-sheet, there are 16 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. There is some substance in the contention of learned APP that there are 21 antecedents and therefore the Applicant's request for bail be rejected. However, the Applicant is incarcerated since more than 3.5 years, there is no further progress in the trial and the case is of circumstantial evidence.

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

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

ORDER

(a) The Applicant – Amol Baban Rajput be released on bail in connection with C. R. No.1577 of 2020 registered with the Hadapsar Police Station, District - Pune on his furnishing P. R. Bond of Rs.25,000/- with 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 furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Rashin Police Station, Taluka -Karjat, District -Ahmednagar twice a week every month i.e. on Monday and Thursday between 11.00 a.m. and 1.00 p.m. for a period of one year and thereafter once a week i.e. on Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Ahmednagar Police Station, Taluka - Karjat, District – Ahmednagar 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 to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness 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 Bail Application is disposed of accordingly.

12. 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.]