

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3124 OF 2023

Mahesh @ Shailesh Prabhakar Sonawane ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Chavan alongwith Mr. Ajinkya Sangitrao and Mr. Akash Patil for the Applicant.

Ms. M.M. Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 5 JANUARY 2024

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 31 of 2021 registered at Indapur Police Station, for the offences punishable under Sections 302, 201, 120(B) r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, the deceased had a love affair with one Kajal Sonawane. It is alleged that the applicant and other co-accused, who are relatives of the said Kajal Sonawane, were thus annoyed with the deceased and committed his murder.

5. The learned Counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that this court has released other co-accused on bail. It is submitted that inspite of order of this court dated 23 February 2023 there is no progress in the trial.

6. On the other hand, the learned APP submits that considering the nature of offence the applicant may not be released on bail.

7. This Court by order dated 23 February 2023 in Bail Application No. 2680 of 2022 filed by the applicant directed the trial court to conclude the trial expeditiously. The said order reads thus :

“Considering the fact that the applicant is in jail for more than two years, the trial Court shall endeavor to conclude the trial as early as possible. If the trial is not concluded within a period of six months from the date of receipt of copy of this order, the applicant is at liberty to file an application for bail.

2. Application is disposed of in aforesaid terms.

3. Interim Application does not survive and stands disposed of.”

8. The learned Counsel for the applicant submits that there is no progress in the trial and that the trial is still at the same stage. Admittedly, the case is based on circumstantial evidence. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant - Mahesh @ Shailesh Prabhakar Sonawane be released on bail in Crime No. 31 of 2021 registered at Indapur Police Station, for the offences punishable under Sections 302, 201, 120(B) r/w. 34 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)