

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3675 OF 2022

Babasaheb Bhagwan Harne ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sudeep Pasbola alongwith Mr. S.S. Gharbudave and Mr. S.S. Choudhante for the Applicant.

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

Ms. Tanu Bhatia for the Complainant.

PSI Vinod Pawar, Hadapsar Police Station, Pune, present.

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CORAM : N.R. BORKAR, J.

DATED : 5 JANUARY 2024

P.C. :-

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

2. The Applicant came to be arrested in Crime No.537 of 2014 registered at Hadapsar Police Station for the offences punishable under Sections 302, 143, 147, 148, 149, 201, 352, 120-B of the Indian Penal Code and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organized Crimes Act, 1999.

3. This Court on 30 March 2023 passed the following order :

“ The learned PP has tendered a pursis (Exhibit-23) filed before the trial Court. By the said pursis, the prosecution has closed it's evidence. It appears that the

Applicants are in jail for more than eight years. The trial Court, therefore, shall endeavor to conclude the trial as early as possible.

2. If the trial is not concluded within four months from the date of receipt of copy of this order, the applicants are thereafter at liberty to circulate these applications.”

4. The learned APP submits that the prosecution has concluded its final argument.

5. The learned Counsel for the Applicant submits that the trial is not likely to be concluded within short span of time as recently one of the accused has absconded. It is submitted that the Applicant is in jail for more than nine years.

6. Considering the fact that the Applicant is in jail for more than nine years, I am inclined to release him on bail. Hence, the following order is passed :

(i) Bail Application is allowed.

(ii) Applicant – Babasaheb Bhagwan Harne shall be released on bail in Crime No.537 of 2014 registered at Hadapsar Police Station for the offences punishable under Sections 302, 143, 147, 148, 149, 201, 352, 120-B of the Indian Penal Code and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organized Crimes Act, 1999 on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)