

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 15 OF 2024

IN

INTERIM APPLICATION NO.2888 OF 2024

Pravin Namdeo Landage

...Applicants

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Salman Pathan i/b Mr. Sangram R. Divekar, Advocate for the applicant in Bail Application.

Mr. Jayant Bardeskar, Applicant in Interim Application.

Mr. P. P. Deokar, APP for State-Respondent.

Mr. Praveen L. and Bunage, HC are present.

CORAM:- ANIL S. KILOR, J.

DATED:- 28th AUGUST, 2024

PC:-

- 1) The learned Counsel for the applicant seeks permission to delete the name of the respondent No. 2.
- 2) Permission is granted.
- 3) Necessary amendment is carried out forthwith.

4) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 223 of 2021 registered with Paud Police Station, Pune for the offences punishable under Sections 302, 307, 326, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it appears that there was a dispute about the boundaries of the land between both the parties and on the faithful day, the quarreled took place and the accused assaulted the informant and her family members including the deceased. From the material, it is evident that the offence is not pre-meditated and even from the FIR, it appears that a single blow was inflicted by the applicant on the head of the deceased. No doubt the offence is serious but it cannot be ignored that prima facie it was not pre-meditated and there was no preparation made for the said offence.

6) In the circumstances, if the facts that the charge-sheet has been filed and the applicant is in jail from last three years are considered, I am of the opinion that further custody of the applicant is not required.

7) The applicant is in jail for more than three years and there is no progress in trial and there is unlikelihood that the trial will be concluded in near future.

8) As far as the apprehension expressed by the learned APP and the learned Counsel for the complainant that if the applicant is released on bail, he may tamper with the prosecution evidence and pressurize the

witness, the same can be addressed by imposing certain stringent conditions.

9) At this stage, the learned Counsel for the applicant, on instructions, submits that he is ready to abide any condition including not to enter into the jurisdiction of Pune District. In the circumstances, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 223 of 2021 registered with Paud Police Station, Pune for the offences punishable under Sections 302, 307, 326, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall not enter into the territorial jurisdiction of Pune District till the conclusion of the trial except on the date of trial;
- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition and misuse of liberty by the applicant;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]