

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 196 OF 2024

Pravin Shrinivas Mahajan

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Sana Raees Khan with Onkar B., Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

Mr. Santosh Gore, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 4th OCTOBER, 2024

PG:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 89 of 2021 registered with Faraskhana Police Station, Pune for the offence punishable under Section 302 of the Indian Penal Code, 1860 and Sections 142, 37(1) read with Section 135 of the Maharashtra Police Act, 1951.

3) The learned Counsel for the applicant argues on the point of period of incarceration and she submits that the applicant is in jail from last three years. In support of her submission, she has relied upon the judgment of the Hon'ble Supreme Court in the case of Prasad Kailas

Thombare Vs. The State of Maharashtra, dated 19th July, 2024, passed in SLP (Crl) No.7517 of 2024 and in the case of Salim Shakil Shaikh Vs. The Senior Inspector of Police, Samarth Police Station and Anr, dated 30th September, 2024, passed in SLP (CRL.) No.10177 of 2024.

4) The learned APP on the other hand strongly opposed the application and submits that the offence is very serious and there are 19 antecedents against the applicant. Accordingly, she prays for the rejection of the present application.

5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there are eye-witnesses to the present incident and the deceased is a police constable. One of the eye-witness is the wife of the applicant, who has narrated a complete story which supports the case of the prosecution.

6) Thus, there is sufficient incriminating material against the applicant to show his complicity in the alleged offence.

7) As far as the judgments cited by the learned Counsel for the applicant are concerned those will not apply to the applicant for the reason that there are 19 antecedents of a similar nature against the applicant and therefore there is a possibility that if the applicant is released on bail, he may commit the similar bodily offences.

8) In that view of the matter, the application is rejected and disposed of.

[ANIL S. KILOR, J.]