

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 441 OF 2024

Deepak Dattu Mande ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Shri Vikas Shivarkar, Advocate for Applicant

Ms Geeta P. Mulekar, APP for the State.

CORAM : ANIL S. KILOR, J.

DATED : 31ST JULY, 2024.

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.332 of 2021, registered with Yerwada Police Station, Pune City, District: Pune for the offences punishable under Sections 307, 395, 452, 504, 506, 427, 201, 188 of the Indian Penal Code, under Section 4(25) of the Arms Act, under Section 37(1), 135 and 142 of the Maharashtra Police Act, Sections 3 and 7 of the Criminal Law Amendment Act, Section 3 of the Epidemic Diseases Act, 1897, Section 51(b) of the Disaster Management Act, 2005, Section 11 of the Maharashtra Covid-19, Regulations, 2020 and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation, it is evident that the applicant is in jail from last about three years and there is no progress in the trial, even the charge is not framed.
4. The learned APP strongly opposed the application on the ground that the provisions of the Maharashtra Control of Organised Crime Act, 1999 have been invoked and there are antecedents against the applicant.
5. In the circumstances, if the allegations are seen, the role attributed to the applicant is that he smashed the glass of the house of the relative of the informant at the time of incidence. Further the allegations are that the applicant and other accused persons were having weapons with them and their intention was to eliminate one Nikhil Kamble. During this incidence one person was injured, but the injury is simple in nature.
6. Thus, considering the period of incarceration and the fact that there is unlikelihood of conclusion of the trial in near future, in view of the judgment of the Hon'ble Supreme Court of India in the case of *Mohammad Muslim @ Hussain Vs. State (NCT of Delhi)*, reported in **2023 SCC OnLine 352**, I am of the opinion that the applicant is entitled for grant of bail.

7. In the circumstances, I pass the following order:
- i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.332 of 2021, registered with Yerwada Police Station, Pune City, District: Pune for the offences punishable under Sections 307, 395, 452, 504, 506, 427, 201, 188 of the Indian Penal Code, under Section 4(25) of the Arms Act, under Section 37(1), 135 and 142 of the Maharashtra Police Act, Sections 3 and 7 of the Criminal Law Amendment Act, Section 3 of the Epidemic Diseases Act, 1897, Section 51(b) of the Disaster Management Act, 2005, Section 11 of the Maharashtra Covid-19, Regulations, 2020 and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R.Bond in the sum of 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 conclusion of the trial, except for the trial;
 - iv) The applicant shall provide his address and the name of the nearby Police Station to the Investigating Officer and shall attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 02:00 pm, till conclusion of the trial, except on the date of the trial;

- v) Liberty is granted to the State to apply for cancellation of bail in case of breach of any condition or if the applicant commits similar offence.
- vi) 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;
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

(ANIL S. KILOR, J)