

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

CRIMINAL BAIL APPLICATION NO. 667 OF 2024

Sandeep Bhushan Lakda

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Premkumar Mishra, for the applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 356 of 2020, registered with Vimantal Police Station, Pune for an offence punishable under Section 302 of the Indian Penal Code, 1860.

3) The learned Counsel for the applicant submits that there is nothing against the applicant to show the involvement of the in the alleged offence. It is submitted that the story of the prosecution is improbable even if the statements of witnesses are taken on face value. It is submitted that the applicant is in jail from last more than four years and since the charge-sheet has been filed, further custody of the

applicant is not necessary. It is further pointed out that there are no antecedents against the applicant.

4) On the other hand, the learned APP has strongly opposed the application. She submits that there was a motive and there are statements of eye-witnesses to support the case of the prosecution.

5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there is no direct evidence or any eye-witnesses to the incident. As per the prosecution, the motive is that the applicant repeatedly requested the deceased not to have any relation with her friend Rohit to which she did not pay any heed, therefore, he committed the alleged offence.

6) Considering the statement of the witnesses more particularly the fact that witness Mrs. Kardula Vishwanath Manjhi, her husband, the applicant and the deceased, they used to sleep in the same room. The incident took place at night when all four were in the said room. Despite the same, neither Mrs. Kardula or her husband saw the incidence.

7) Thus, considering the nature of evidence available on record against the applicant and the allegations against the applicant coupled with the period of incarceration of the applicant, I am of the opinion that since the charge-sheet has been filed and there is unlikelihood that the trial will be concluded in near future, I am of the opinion that the applicant is entitled for grant of bail.

8) As far as the apprehension expressed by the learned APP that the applicant is from Jharkhand and if he is released on bail, there is a

possibility that he will not be available for trial, the same can be addressed by imposing stringent conditions. Hence, 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. 356 of 2020, registered with Vimantal Police Station, Pune for an offence punishable under Section 302 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one local solvent surety in the like amount;
- iv) The Applicant shall attend the said Police Station on every Saturday between 9 am to 10 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 cancellation of bail if the applicant commits similar offence.;
- 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.]