

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.769 OF 2024

Vaibhav Dattatray Bhagyawant ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Digvijay Shirole, for the Applicant.

Ms. Savita Yadav, APP, for the Respondent/State.

Mr. Sachin P. Warje Mulwadi Police Station, Pune City, Present.

CORAM : ANIL S. KILOR, J.

DATE : 31ST JULY, 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.133 of 2023, registered with Warje Malwadi Police Station, Pune for the offences punishable under Sections 341, 387, 307, 506(2) and 504 of the Indian Penal Code, 1860 (for short, 'IPC'), Section 7 of the Criminal Law Amendment act, Section 3(25) of the Arms Act, Section 37(1) (e) and 135 of the Maharashtra Police Act and Section 3(1) (ii) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. From the FIR, it is evident that the main accused Kartik

Ingavle has fired from his pistol on the informant. As far as the allegation against the applicant is concerned, it is alleged that his motor cycle was behind the motor cycle of the main accused. Except this, there is nothing against the applicant. As far as antecedents are concerned, there is one antecedent and the said offence was registered when the applicant was juvenile.

4. The applicant is in jail from last more than 1 and ½ years and in the meantime, the charge-sheet has been filed after completing the investigation.

5. Thus, from the nature of allegations and the material available on record, there is a reasonable ground to believe that the applicant is not involved in the alleged offence.

6. Furthermore, considering that the earlier offence was of 2017 and thereafter the present one in 2022, it cannot be said that there is any possibility that, if the applicant is released on bail he will commit the similar offence.

7. Furthermore, as far as status of the trial is concerned, there is no progress in the trial. Whereas there are 39 witnesses and till date even the charge is not framed.

8. In the circumstances, as there is unlikelihood of conclusion of trial in near future.

9. For the above-referred reasons though the learned APP is

strongly opposing the application, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order.

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.133 of 2023, registered with Warje Malwadi Police Station, Pune for the offences punishable under Sections 341, 387, 307, 506(2) and 504 of the Indian Penal Code, 1860 (for short, 'IPC'), Section 7 of the Criminal Law Amendment act, Section 3(25) of the Arms Act, Section 37(1) (e) and 135 of the Maharashtra Police Act and Section 3(1) (ii) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of the Pune City, till the conclusion of the trial;
- iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00noon to 2.00 p.m., 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 if the applicant commenced similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

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

(ANIL S. KILOR, J)