

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
BAIL APPLICATION NO. 1377 OF 2024

Vilas Baburao Parsude

.... Applicant

Versus

State of Maharashtra

.... Respondent

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Mr. Satyavrat Joshi a/w Mr. Samay Pawar, Mr. Yash Fadtare, for the Applicant.

Mr. V. A. Kulkarni, APP, for the Respondent – State.

Mr. Ajit M. Savagave, for the Intervenor.

Mr. Pradipsingh Sisode, API, Khed Police Station, Khed. Dist. Pune.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th OCTOBER, 2024.

P.C. :

1. By this application, Applicant is seeking suspension of sentence and bail in Crime No.374 of 2022 registered with Khed Police Station, Khed, Dist:- Pune, for the offences punishable under Sections 302, 307, 364, 338, 143, 147 and 149 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that the Applicant and co-accused

has murdered the informant's husband on 25th May, 2022 hence, offence under the above referred section is registered against them.

3. It is contention of learned counsel for the Applicant that earlier bail application filed by the Applicant was withdrawn. This is second bail application.

Learned counsel for the Applicant further submits that Applicant is seeking bail only on the ground of prolonged incarceration. The Applicant is behind bar for more than 2 years and no charge is framed against the Applicant. It may take time to conduct the trial hence, requested to allow the application. He relied on order of this Court (Coram: Madhav J. Jamdar, J) in case of *Ashitosh Sudam Kadam Vs. The State of Maharashtra in Criminal Bail Application No.3837 of 2022 and Sofiyan Firoz Bagwan Vs. The State of Maharashtra in Criminal Bail Application No.3139 of 2024*.

5. It is contention of learned APP that Applicant is the main accused in the crime. The documents produced on record shows involvement of the Applicant in the crime, and if he released on bail, he may abscond. Hence, requested to reject the bail application.

6. It is contention of learned counsel for the informant that the incarceration period of 2 years cannot be considered as long

incarceration for an offence under Section 302 of Indian Penal Code. The ground raised by the learned counsel for the Applicant is insufficient to grant the bail, as earlier bail application of the Applicant is already withdrawn.

Learned counsel further submitted that the facts of cited case by learned counsel for the Applicant and facts of present case are different. Hence, requested to reject the application.

7. I have heard all learned counsel. Perused the FIR and charge-sheet produced on record. Allegations against the Applicant are that he along with co-accused murdered the husband of informant. Earlier application filed by the Applicant has been withdrawn. The Applicant is seeking bail only on the ground of long incarceration. Applicant is behind bar around 2 years and 5 months. In my view, the allegations against the applicant are serious, he is involved in murder of the informant's husband hence, incarceration of two years cannot be considered as a ground to release on bail. The facts of cited case of learned counsel are different as in the cited case the list of witness was of 68 and age of the accused was 19 years old. In the present case, the age of the applicant is 27 years old and listed witnesses are around 30.

8. Considering these facts, I pass following order.

ORDER

. Application is rejected.

(SHIVKUMAR DIGE, J.)