

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

CRIMINAL BAIL APPLICATION NO. 1496 OF 2024

Somnath Gurusiddhapa Radde ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Sana Raees Khan with Aditya Parmar, Advocate for the applicant.

Mr. P. P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 27th 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.188 of 2019, registered with Chandan Nagar Police Station, for the offences punishable under Sections 395, 396, 364, 342, 323, 506 and 201 of the Indian Penal Code, 1860 and Sections 4/25 of the Arms Act, 1959.

3) On merit, the Hon'ble Supreme Court of India rejected the application of the applicant on 21st April, 2023 and thereafter the present successive bail application came to be filed on the ground of change in circumstances namely despite the directions by this Court to expedite the trial vide order dated 1st November, 2023 passed in

Criminal Bail Application No. 2992 of 20223 and to conclude the same within nine months, the trial is not concluded. The present status of the trial is that the chief of the first prosecution witness is recorded. Whereas, there are many witnesses. Thus, there is no end of the trial in sight. The applicant is in jail from last five years. Furthermore, the whole case is based on circumstantial evidence and though the memorandum under Section 27 of the Indian Evidence Act, 1872, cannot be treated as a confession, even if the story narrated in the memorandum is considered, the main role attributed to co-accused Ramakant @ Shailesh Krushnaji Kamble, who has been released on bail.

4) In the circumstances, though the learned APP is opposing the present application on the ground that the Hon'ble Supreme Court of India has rejected the Bail Application, I am of the opinion that in the above referred facts and circumstances, considering the period of incarceration and the status of the trial, the applicant is entitled for grant of bail. 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.188 of 2019, registered with Chandan Nagar Police Station, for the offences punishable under Sections 395, 396, 364, 342, 323, 506 and 201 of the Indian Penal Code, 1860 and Sections 4/25 of the Arms Act, 1959, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of six weeks in lieu of surety.
- iv. The Applicant shall report concerned police station once in a month on first Saturday of the month between 11.00 am to 1.00 pm for a period of six months and thereafter, once in three months on first Saturday of the month between 11.00 am to 1.00 pm till further order.
- v. The applicant shall attend trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- vi. The applicant shall not tamper with the evidence and shall not approach the witnesses.
- vii. Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Corporation limits of Pune City after being released on bail, till the trial concludes.

The application is disposed of accordingly.

[ANIL S. KILOR, J.]