

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 1667 OF 2024**

Parmeshwar @ Pamyra Sambhaji Shinde ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Rohan Hogle a/w. Mr. Abhishek Nagode i/b. Mr. Nagesh Khedkar
Applicant.

Mr. Amit A. Palkar, A.P.P. for Respondent-State.

PSI Mr. Mahadeo Yelmar, Nigadi Police Station, District Pune.

CORAM : A. S. GADKARI, J.

DATE : 8th October 2024

P.C. :

1) This is a successive Application for bail under Section 439 of Cr.PC. in Sessions Case No. 282 of 2017, pending before the Additional Sessions Judge, Pune arising out of CR No. I-824 of 2016 registered with Nigadi Police Station, District Pune, under Sections 302, 364, 367 read with 34 of Indian Penal Code.

2) Record indicates that, the earlier Criminal Bail Application No. 2447 of 2017 preferred by the Applicant was dismissed as withdrawn on 27th November 2017, by granting him liberty to file a fresh Application for bail before the trial Court, if the trial arising out of the said crime does not commence within a period of nine months from 27th November 2017.

3) Learned A.P.P. on instructions submitted that, as of today the prosecution has framed charge against the Applicant and the trial has not further progressed.

4) It is the prosecution case that, the deceased Sagar Kavitke got infuriated as his name was not printed on the Invitation Card of the marriage of his sister-in-law and therefore he had initially abused his father-in-law. That, his father-in-law i.e. principal accused Bharat Kokare along with present Applicant thereafter abducted deceased Sagar Kavitke and committed his murder. The dead body of Sagar Kavitke was found in the precincts of village Pakhrud, Taluka Bhum, District Osmanabad.

5) Record indicates that, since the date of his arrest i.e. 13th December 2016 the Applicant was behind bars. The Applicant was released on Covid-19 parole leave from 29th May 2020 till 13th April 2023 and during the said period there is no report of commission of any other crime by him. It is thus clear that, the Applicant is behind bars more than 5 years as of today. The trial of the present case has not yet progressed.

6) In view thereof, this Court is of the view that the Applicant can be released on bail during the pendency of trial of Sessions Case No. 282 of 2017.

7) Hence, following Order :-

- (i) Applicant be released on bail in connection with Sessions Case No. 282 of 2017, on furnishing P.R. Bond in the sum of

Rs.25,000/- with one or more sureties in the like amount.

- (ii) Before his release from Jail, the Applicant shall provide the details of his prospective residence to Nigadi Police Station so also to the trial Court.
- (iii) Applicant shall also provide landline number(s) and/or mobile number(s) on which he can be contacted by the Police.
- (iv) Applicant shall attend all the dates before the trial Court, unless precluded on medical grounds.
- (v) Applicant shall not tamper with the prosecution evidence and not to give any threats to the informant or witnesses.

8) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

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