

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1726 OF 2024**

Tanmay Uday Kakade	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Prashant Hagare a/w. Mr. Krishna Tarde for applicant.

Mr. Tanveer G. Khan, APP for respondent-State.

Mr. Vitthal H. Deokate, PSI, Baramati City Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 10th SEPTEMBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is seeking bail as he was arrested on 03.03.2023 in connection with FIR registered on the same date bearing No.0108 of 2023 at Baramati City Police Station, District Pune Rural for offences under sections 307, 120-B, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860 (IPC) and sections 4 and 25 of the Arms Act, 1959. Subsequently, the victim died and hence, offence under section 302 of the IPC was added.

3. The investigation was completed and chargesheet was filed on 30.05.2023. In this case, there are total 6 accused persons of whom, accused No.1 was granted bail by the Sessions Court and applicant No.2 i.e. his wife was granted anticipatory bail by this Court.

4. It is noted that the accused Nos.1 and 2 were granted relief primarily on the ground that the material on record, even if accepted as it is, created doubt about the very presence of these accused persons on the date and time of the incident. Therefore, there is no question of parity with the said accused persons, insofar as the present applicant is concerned.

5. The learned counsel for the applicant submitted that as per the initial statement of the informant, leading to registration of FIR, only the presence of the applicant is mentioned with the overt act of having assaulted the victim by means of stones. The supplementary statement of the informant shows improvement as allegation of assault by sword is attributed to the applicant. It is submitted that such improvements are found in subsequent statements of the alleged eye-witnesses also. It is emphasized that the applicant has already undergone incarceration for 1 year and 6 months and that therefore, this Court may consider enlarging the applicant on bail, particularly when the trial Court is yet to frame charge.

6. On the other hand, the learned APP vehemently opposed the present application. He submitted that the offence pertaining to unlawful assembly has been invoked in the present case and specific overt act is attributed to the applicant. It is submitted that this Court may consider expediting the trial.

7. Having considered the material on record, including the statement of the informant as well as the witnesses, the presence of the applicant at the date and time of the incident *prima facie* can be said to be established. Although there is some variance in the exact overt act attributed to the

applicant, even if the initial statement leading to registration of FIR is to be taken into consideration, not only the presence of the applicant is *prima facie* established, but it is also found that specific overt act of assault by means of stones is ascribed to the applicant. In such a situation, this Court is not inclined to favourably consider the prayer made in the present application, only on the ground that the applicant has undergone incarceration for about 1 year and 6 months. Nonetheless, appropriate direction can be issued for expediting the process of trial.

8. In view of the above, the application is dismissed. However, the concerned Court is directed to expedite the process of framing charge and completing the trial. The said Court shall take all necessary steps to complete the trial as expeditiously as possible.

9. Liberty is reserved for the applicant to renew his prayer for bail, after a period of one year.

(MANISH PITALE, J)