

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

CRIMINAL BAIL APPLICATION NO. 2419 OF 2024

Vitthal Balbhim Mahanure ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Vrushlesh Savla, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 21st OCTOBER, 2024

PC:-

- 1) Heard.
- 2) This is a successive bail application after the withdrawal of the first bail application. This Court while allowing to withdraw the first application despite of the first bail application vide order dated 17th February, 2023 requested the trial Court to expedite the trial and make an endeavour to conclude the trial within six months from the date of receipt of the said order. The period of more than one and a half years is lapsed.
- 3) While rejecting the application moved before the trial Court by the applicant after six months i.e. the period after which this Court

granted liberty to move a fresh, the trial court in its order has categorically observed that the trial could not be concluded as the police machinery has not produced the muddemal property in the court for conducting the trial.

4) The applicant is in jail from four years and nine months. The allegations against the applicant is that he committed murder of his wife by throttling.

5) Thus, considering the period of incarceration and the fact that there is no end of the trial in sight and a delay is attributable to the prosecution, I am of the opinion that in view of the judgment of the Hon'ble Supreme Court of India in the case of *Sheikh Javed Iqbal @ Ashfaq Ansari @ javed Ansari vs. State of Uttar Pradesh*¹, the applicant is entitled for grant bail.

6) The learned APP at this stage expressed an apprehension that the applicant may pressurise the prosecution witnesses and in that case there will be no fair trial, therefore, the learned Counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide any of the condition including not to enter into Kolhapur City. Accordingly, 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. 24 of 2020 registered with Karvir Police Station, Kolhapur, for the offence punishable under Section 302 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/-

(Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Kolhapur City till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon 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 cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]