

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

CRIMINAL BAIL APPLICATION NO. 2426 OF 2024

Kunal Khandu Sakahle

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Satyavarat Joshi with Ms. Disha Rathod i/b Mr. Samay Pawar,
Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. Lahu Patil, P.C, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th OCTOBER, 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.185 of 2020, registered with Chinchwad Police Station, Dist.-Pune for the offences punishable under Sections 302, 504, 506, 141, 143, 146, 147, 148 and 149 of Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959 and Section 37(1) read with Section 135 of Maharashtra Police Act, 1951.
- 3) The allegations against the applicant is that he assaulted the deceased by sickle. However, after going through the charge-sheet and relevant material collected by the Investigating Officer during the

investigation, it appears that the applicant gave a blow by Koyata on the back of the deceased. Whereas, the death which was caused due to head injury of which the author is accused No. 1, who gave blow by sword on the head of the deceased. There is one antecedents against the applicant under Section 395 of the IPC.

4) In the present matter, the co-accused Abhya @ Swapnil Santosh Bhosale was granted bail on 27th June, 2024 in Bail Application No. 57 of 2024.

5) The applicant is in jail for more than four years and during this period, there is no progress in trial and even the charge is not framed. Thus, there is no end of trial in sight.

6) In the above referred circumstances, considering the role of the applicant and the fact that the applicant is not the author of the injury which is the cause of the deceased, I am of the opinion that the applicant is entitled for grant of bail. Moreover, there is no possibility that the applicant will not be available for trial. Hence, though the learned APP is strongly opposing the application, I pass the following order.

ORDER

- i) The Criminal Bail Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.185 of 2020, registered with Chinchwad Police Station, Dist.-Pune for the offences punishable under Sections 302, 504, 506, 141, 143, 146, 147, 148 and 149 of Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959 and Section 37(1) read with Section 135 of Maharashtra Police Act, 1951, on furnishing

PR.Bond of Rupees Twenty-Five Thousand with solvent surety in the like amount;

- iii) The applicant shall not enter into the territorial jurisdiction of Pune City Police Station, till conclusion of trial except for attending trial in Sessions Court;
- iv) The applicant shall provide his address and name of the nearby police station to the Investigating Officer, which he shall attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 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 for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

[ANIL S. KILOR, J.]