

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

BAIL APPLICATION NO. 2495 OF 2024

Mahesh Maruti Tule

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms Sana Raees Khan a/w Mr Aditya Parmar & Ms Ruchita Rajpurohit,
Advocates, for the Applicant.

Ms S M Yadav, APP, for the Respondent – State.

Mr S V Chavan, PSI-Yavat Police Station.

CORAM: MADHAV J. JAMDAR, J.

DATE: 26.06.2024

P. C.:

1. Heard Ms Khan, learned Counsel appearing for the Applicant and Ms Yadav, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

(a)	C. R. No.	588 of 2021
(b)	Date of registration of F.I.R.	5th July 2021
(c)	Name of Police Station	Yavat, District-Pune
(d)	Sections invoked	302, 292, 109, 212, 143, 149, 504, 506, 120B of <i>I.P.C., 1860</i> ; 4 and 25 of <i>Arms Act, 1959</i> .
(e)	Date of incident	4th July 2021
(f)	Date of arrest	5th July 2021
(g)	Date of filing of Charge-sheet	22nd October 2021

3. The prosecution case is that on an earlier occasion, the

Deceased had abused some of the Accused persons in an offensive and vulgar language and therefore the incident in question took place in which the Accused have assaulted the Deceased with a sword, sticks and sickle.

4. Ms Khan, learned Counsel appearing for the Applicant submitted that there are contradictions in the statements of eye-witnesses. The father of the deceased in his statement dated 05.07.2021 has stated that the present Applicant had assaulted the Deceased with a stick. She submitted that another eye-witness namely Amol *alias* Bhaiyya Shitkal has stated that the present Applicant was having a sickle. She also pointed out the statement on the basis of which F.I.R. was registered on 05.07.2021 of the First Informant – Arjun Sambhaji Makar where the role attributed to the present Applicant is that he assaulted the Deceased with a stone. She therefore submitted that there are very grave contradictions in the role assigned to the Applicant as per the prosecution witnesses.

5. Ms. Khan, learned counsel also submitted that there are in all 6 Accused persons, out of which 3 Accused have already been enlarged on bail - one by the learned Trial Court and one by a learned Single Judge of this Court (Coram: Prakash D. Naik, J.) by Order dated 17th October 2022 in Bail Application No.4434 of 2021. She submitted that there is another co-accused namely Gahininath Baban Mane who has already been enlarged on bail by this Court by Order dated 11.03.2024 passed in Cri. B.A. No.608 of 2024. She submitted that

the Accused is in custody since more than 3 years. She submitted that there is no progress in the trial and even the Charge is also not framed yet. She submitted that the Applicant is a young man aged 23 years.

6. On the other hand, Ms Yadav, learned APP vehemently opposed the Bail Application and submitted that the Deceased has been mercilessly assaulted by 6 accused persons and 3 to 4 unknown persons. She pointed out the statements of eye-witnesses i.e. Santosh Vitthal Shitkal (Page 82), Amol *alias* Bhaiyya Laxman Shitkal (Page 84) and Gulchand Rama Shitkar (Page 86). Therefore, she submitted that the Bail Application be rejected. However, after taking instructions, she submitted that the Applicant has no antecedents.

7. Perusal of the record shows that the incident in question took place on 4th July 2021, F.I.R. was lodged on 5th July 2021, the Applicant was arrested on 5th July 2021 and the Charge-sheet was filed on 22nd October 2021. The Applicant is in custody since about 3 years. Till date, there is no further progress in the trial and even the Charge is also not framed yet. There are in all 49 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time. The Applicant is a young man aged 23 years and there are no antecedents. Accordingly, the Applicant is entitled to be released on bail.

8. Ms Khan, learned Counsel for the Applicant after taking instructions states that as several witnesses are from Taluka-Daund,

the Applicant will not enter Taluka-Daund, District-Pune and that the Applicant will reside at Taluka – Shirur, District – Pune.

9. The Applicant does not appear to be at risk of flight.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:

ORDER

(a) The Applicant - Mahesh Maruti Tule be released on bail in connection with C. R. No.588 of 2021 registered with the Yavat Police Station, District - Pune on his furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Daund taluka, District-Pune after being released on bail, except for reporting to the Investigating Officer, if called.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Shirur Police Station, District - Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Shirur Police Station, District -

Pune to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]