

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2557 OF 2024

Kishore Laxman Shinde ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Sana Raees Khan a/w. Mr. Aditya Parmar & Ms. Ruchita Rajpurohit, for the Applicant.
Ms. Supriya Kak, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 08 JULY 2024

P. C.:

1. Heard Ms. Khan, learned Counsel for the Applicant and Ms. Kak, 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:-

1.	C. R. No.	59 of 2018
2.	Date of registration of F.I.R.	17/02/2018
3.	Name of Police Station	Chandan Nagar, Pune City
4.	Section/s invoked	302 r/w. 34 of the Indian

		Penal Code, 1860; 25 and 4 of the Arms Act, 1959; 135 and 37(1) of the Bombay Police Act, 1951;
5.	Date of incident	16/02/2018
6.	Date of arrest	17/02/2018
7.	Date of filing of Charge-sheet	April 2018

3. At the outset, Ms. Khan, learned Counsel for the Applicant submitted that she is not arguing the matter on merits. However, she submitted that the Applicant is behind bar since 17th February 2018 and till date the trial has not concluded. She pointed out the Order dated 20th March 2024 passed by the Supreme Court of India in Petition(s) for Special Leave to Appeal (Crl.) No.13023 of 2023 by which the co-Accused has been granted bail considering the period of incarceration of about 5 years and 6 months. She therefore submitted that the present Applicant be granted bail for the same reason.

4. On the other hand, Ms. Kak, learned APP for the Respondent-State strongly opposed the Bail Application and submitted that the trial has commenced and that five witnesses

have been examined. She submitted that the trial will be concluded within a period of 1 year. She submitted that the present Applicant has played a significant role in the incident and assaulted the deceased with a sickle. She submitted that there are about 18 injuries and therefore the Bail Application be rejected. She also submitted that there is one antecedent bearing C.R. No.263 of 2016 registered with Chandannagar Police Station, Pune City for the offences punishable under Sections 324 read with 34 of the *Indian Penal Code, 1860* and therefore the Bail Application be rejected.

5. Ms. Khan, learned Counsel for the Applicant submitted that the Order of the Supreme Court of India is dated 20th March 2024 and at that time 2 witnesses were examined. She submitted that only 3 more witnesses were examined during last 4 months. She, therefore, submitted that trial will take a considerable time to conclude.

6. The Supreme Court of India has passed the following Order on 20th March 2024 concerning co-Accused:-

“Considering the period of incarceration already undergone by the Petitioner which is about 5 years and 6 months and the material placed on record, we are inclined to grant bail.

Accordingly, the petitioner be released on bail subject to such terms and conditions as may be imposed by the Trial Court.

The Special Leave Petition is, accordingly, disposed of.

Pending application(s), if any, shall stand disposed of.”

7. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused.¹ The Applicant is incarcerated since 17th February 2018 i.e. for about 6 years and 6 months. The material on record shows that the trial will take considerable time to conclude.

8. Although there is one antecedent, the same is of the year 2016. Therefore, the antecedent cannot be an impediment for

¹ Hussainara Khatoon (IV) v. Home Secy., State of Bihar, (1980) 1 SCC 98

granting bail to the Applicant.

9. Ms. Khan, learned Counsel for the Applicant states that as most of the witnesses are from District-Pune, the Applicant will not enter Pune district except for attending the trial and if called by the Investigating Officer and that the Applicant will reside at Kolgaon, Taluka-Karmala, District-Solapur and he will attend Karmala Police Station, District-Solapur – 413 203.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant - Kishore Laxman Shinde be released on bail in connection with C.R. No.59 of 2018 registered with the Chandan Nagar Police Station, Pune City on his furnishing P.R. Bond of Rs.50,000/- with one or

two solvent sureties in the like amount.

- (b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (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 Karmala Police Station, District – Solapur once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Karmala Police Station, District – Solapur 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 witness 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 observations made in this order.

[MADHAV J. JAMDAR, J.]