

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

CRIMINAL BAIL APPLICATION NO. 2631 OF 2024

Pramod Mudrika Pandey

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 18th 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. 159 of 2022 registered with Ranjangaon MIDC Police Station, Pune for the offence punishable under Section 302 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the statements of the witnesses were recorded and one of the witnesses Shri. Shrikrushna Ramchandra Bavaskar, who was with

the applicant and the deceased on the date of the incident at a particular place, they consumed beer together and played cards. At that time the wife of the said witness called him, and for that reason, he left the said place leaving there the applicant and the deceased.

4) Thereafter dead body of the deceased was found on the said spot and on the basis of this circumstantial evidence that he was seen last with the deceased, the offence came to be registered against the applicant. However, nothing is brought on record to point out the motive. Furthermore the recovery i.e. clothes of the applicant having blood stains when sent for the FSL, the CA report, the result of analysis is that as regards the full pant and half shirt of the applicant the result is inconclusive and as far as the handkerchiefs of the applicant is concerned, it is referred to DNA. Thus, the CA report does not support the case of the prosecution.

5) No doubt some articles were recovered from the applicant, however, at this stage, it is relevant to consider that the applicant is in jail from more than two and half years and the whole case is based on circumstantial evidence. Furthermore, there is no progress in the trial and till date the charge is not framed. Thus, there is unlikelihood that the trial will be concluded in near future. Furthermore, there are no antecedents against the applicant.

6) 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. 159 of 2022 registered with Ranjangaon MIDC Police Station, Pune 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 Ranjangaon MIDC Police Station, Pune 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.]