

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2707 OF 2024

Maruti Nivrutti Jadhav, Age 30 years,
R/o.Kranti Zhopadpatti, Near PCS Chowk,
Charholi Khurd, Tal.Khed, Dist.Pune.
(Presently in Yerwada Central Prison, Pune)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam with Shreya Anawal with Amit Icham with
Dushyant Dighambar i/by Mr.Satyajeet Mane for Applicant.
Mrs.A.A.Takalkar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 17th 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.239 of 2021 registered with Alandi Police Station, District Pune, for the offences punishable under Sections 302, 307 r/w 34 of the Indian Penal Code.
3. Having gone through the charge sheet and material collected by the Investigating Officer during investigation it is evident that Applicant is in jail from last three years and accused no.2 has already been released by this Court on bail. The allegations against accused no.2 was that he assaulted by fist and kick blows whereas allegations against present Applicant was that he assaulted by some weapon as per statement of some witnesses. In none of the statement of witnesses it is stated that Applicant was carrying wooden stump and

he assaulted by wooden stump, except in a statement of a witness Mahadeo, whose statement was recorded after recording statements of all other witnesses. The wooden stump was allegedly recovered from house of Applicant and same is having blood stains.

4. Thus, it is evident that in the statement of none of the witnesses there is a mention of wooden stump. The statements of witnesses were recorded after about a period of one week from the date of arrest of Applicant. Thus, considering the material available on record against Applicant and the nature of allegations against the Applicant, I am of the opinion that since the Applicant is in jail since last three years and as there is no progress in the trial, the Applicant is entitled for grant of bail. In the circumstances, though learned APP is strongly opposing the application, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.239 of 2021 registered with Alandi Police Station, District Pune, for the offences punishable under Sections 302, 307 r/w 34 of the Indian Penal Code on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall not enter into territorial jurisdiction of Alandi, District Pune, till conclusion of trial, except for trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st day of every month between 10.00 a.m and 11.00 a.m till conclusion of 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 for cancellation of bail if the applicant breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)

MST