

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

CRIMINAL BAIL APPLICATION 2828 OF 2024

Vijay Atmram Bansode

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Advait Tamhankar, Advocate for Applicant.
- Mr. Shrikant H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th JULY, 2024

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.I-132/2018, dated 23/05/2018, registered with APMC Police Station, Navi Mumbai. The Applicant was arrested on 25/05/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed. Initially, the offences under section 460 and 380 of the Indian Penal Code were recorded. Subsequently, sections 302, 201, 120-B, 397 r/w 34 of the Indian Penal Code were added.

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2. Heard Mr. Advait Tamhankar, learned counsel for the Applicant and Mr. Shrikant H. Yadav, learned APP for the State.
3. This is the second time, when the Applicant has approached this Court for his release on bail. On the previous occasion, the Applicant had preferred Criminal Bail Application No.454 of 2021, which was rejected by a reasoned order dated 08/02/2022. Now the learned counsel for the Applicant informed the Court that there is absolutely no progress in the trial. The charges were framed only in January 2024 and not a single witness is examined till date. Therefore, only on the ground of delayed trial, the Applicant has approached this Court for his release on bail.
4. I have considered these submissions. I have also perused the charge-sheet and the order dated 08/02/2022, which mentions the facts of the case and the detailed reasons for rejection of the earlier bail application.
5. The prosecution story is that somewhere between 17/05/2018 to 19/05/2018, the Applicant and the co-accused

Yallappa Hadimani, Atul Kamble and Sumit Surve entered the house of one Suman Hande. All of them together overpowered her. She was smothered to death. The ornaments kept in the cupboard, worth more than Rs.3,07,000/- weighing 150 grams and one mobile phone were taken away. The mobile phone was thrown away and the ornaments were distributed amongst themselves. The Applicant was arrested on 25/05/2018.

6. The prosecution case is that the Applicant entered the house on the pretext of helping the deceased in filing up some forms for Widow Pension Scheme. Taking wrong advantage of her helpless situation, this offence was committed. The circumstances against the Applicant are enumerated in the order dated 08/02/2022. They can be summarized as follows:

- (i) The ornaments were recovered at the instance of Applicant on 27/05/2018.
- (ii) He had kept some ornaments with a Jeweller and some ornaments were recovered at his instance from his room.
- (iii) Some of the ornaments matched with the ornaments mentioned in the FIR.

- (iv) There was a booking of a lodge on 17/05/2018 at 04.10 p.m. The Applicant and his three associates had booked that room. It was booked in order to further their conspiracy and for distribution of the ornaments. They were seen coming in that lodge with bags.
- (v) There are statements of two witnesses Shobha Thombare and Shatrughna Patil against the present Applicant.

7. In short, there is sufficiently strong material against the Applicant. However, inspite of that, I am constrained to grant relief to the Applicant solely on the ground that there is absolutely no progress in the trial. Not a single witness is examined. The Applicant is already in custody since 25/05/2018. More than 6 years have passed. Even once the trial starts, it will take further time to reach its conclusion. Therefore, it is not proper to keep the Applicant in custody for such a long period without trial. Only on that ground, the Applicant will have to be granted bail.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.I-132/2018, dated 23/05/2018, registered with APMC Police Station, Navi Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station on every Sunday between 04.00 p.m. to 06.00 p.m. till the conclusion of the trial.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)