

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

CRIMINAL BAIL APPLICATION NO. 2855 OF 2024

Sukhdev Prabhu Chaudhari

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Tejas Sanjay Pawar with Mr. Vivek Shere, Advocate for Applicant.

Mr. S. M. Mangaonkar, APP for State-Respondent.

Mr. Rahul Deshmukh, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 4th SEPTEMBER, 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.28 of 2021 registered with Shikrapur Police Station, Pune, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860.

3) The applicant is in jail from last more than three and half years and till date the charge is not been framed. There are 23 witnesses. Thus, it is apparent that there is no end of trial in sight. Furthermore, considering the nature of allegations against the applicant and the evidence collected by the Investigating Officer, it appears that the applicant is

physically challenged and there is no prima facie sufficient evidence to show the involvement of the applicant in the crime. Hence, I am of the opinion that this is a fit case for grant of bail.

4) In the circumstances, though the learned APP is strongly opposing the present application, I am inclined to grant of bail. 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.28 of 2021 registered with Shikrapur Police Station, Pune, for the offence punishable under Section 302 read with Section 34 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 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;
- iv. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- v. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vi. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]