

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

CRIMINAL BAIL APPLICATION NO.3111 OF 2024

Prashant Devrao Sankhe

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. S. K. Kamble with Ms. Manisha Jadhav, Advocate for Applicant.

Ms. S. M. Yadav, APP for State-Respondent.

Mr. Ramjan Shaikh, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 16th DECEMBER, 2024

PG:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 124 of 2019 registered with Palghar Police Station, Dist.- Palghar for the offences punishable under Sections 302, 364, 365, 201 and 120-B read with Section 34 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 there are 11 accused including the applicant. Out of which 10 accused have been released on bail.

4) The applicant is in jail from last five and half years and upto now one witness has been examined out of 74 total witnesses. Thus, there is no possibility that the trial will be concluded in near future.

5) In the circumstances, in view of the judgment of the Hon'ble Supreme Court of India in the case of *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari vs. State of Uttar Pradesh*¹, I am of the opinion that the applicant is entitled for grant of bail.

6) Furthermore, there are no antecedents against the applicant and as far as apprehension expressed by the learned APP while opposing the bail application that, if the applicant is released on bail, he may pressurize the witnesses or tamper the evidence of the prosecution witnesses, the said apprehension can be addressed by imposing certain stringent conditions. Hence, 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. 124 of 2019 registered with Palghar Police Station, Dist.- Palghar for the offences punishable under Sections 302, 364, 365, 201 and 120-B read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. 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 Palghar Police Station, Dist. Palghar 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 and 16th day of every month between 10.00 am to 11.00 am, 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.]