IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3289 OF 2024

Vrushabh @ Guddya Sunil Gaikwad ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Ms Shubhangi Parulekar, Advocate for Applicant

Ms Poonam P. Bhosale, APP for the State.

API Karande, Chaturshrungi Police Station.

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 17, 2024.

RAJIV BABARAOJI RAUT
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Date: 2024.10.17 17:18:51 +0530

PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.1278 of 2020, registered with Chatushrungi Police Station, District: Pune for the offences punishable under Sections 307, 326, 504 and 506 read with Section 34 of the Indian Penal Code, Sections 4 and 25 of the Indian Arms Act and Sections 37(1) and 135 of the Maharashtra Police Act.

3. The applicant is in custody from last four years and in the trial, till date, even the charge is not framed. There are total 24 witnesses.

4. Thus, considering the pace with which the trial is proceeding, there is unlikelihood that the trial will be concluded in nearfuture. As far as the antecedents are concerned, one crime for the offences punishable under Sections 326 and 324 of the Indian Penal Code had been registered against the applicant in the year 2019, when the applicant was juvenile. The allegation against the applicant and the co-accused is that they assaulted one Akash Gaikwad by means of sickle, fist and kick blows. The co-accused Akshay was released on bail and it is submitted that a specific role was attributed to the applicant in the supplementary statement recorded on 14/10/2020.

5. Thus, in the above referred backdrop, considering the fact that the charge-sheet has been filed long back and thereafter there is no progress in the trial, I am of the opinion that, as there is no end of the trial in sight, the applicant is entitled for grant of bail.

6. The learned APP, however, while opposing the application, expressed an apprehension that if the applicant is released on bail, he may pressurise the prosecution witnesses. I am of the opinion that the same can be addressed by imposing certain stringent conditions.

7. At this stage the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter Pune City.

8. Accordingly, I pass the following order:

   i) The Criminal Application is allowed.

ii) It is directed that the applicant shall be released on bail in connection with Crime No.1278 of 2020, registered with Chatushrungi Police Station, District: Pune for the offences punishable under Sections 307, 326, 504 and 506 read with Section 34 of the Indian Penal Code, Sections 4 and 25 of the Indian Arms Act and Sections 37(1) and 135 of the Maharashtra Police Act, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii) The applicant shall not enter the territorial jurisdiction of Pune City till conclusion of the trial, except for attending the trial.

iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the trial, except on the date of the 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 for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

(ANIL S. KILOR, J)