

V/s.

The State of Maharashtra ... Respondent

Mr. Tapan Thatte I.by Vivek Arote, for the applicant.

Ms. Geeta Mulekar, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 11TH NOVEMBER, 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.263 of 2018, registered with Panchavati Police Station, Nashik, for the offences punishable under Sections 302, 120-B r/w 34 of the Indian Penal Code and Sections 3, 4 and 5 r/w 25 of the Arms Act and Section 135 of the Maharashtra Police Act.
3. The applicant was arrested on 11.07.2018 and as such he is in jail for more than 6 years and till date even charge is not framed. There are total 56 witnesses. Thus, it is evident that there is no end of the trial in sight.

4. The learned APP pointed out that there are two antecedents against the applicant. In one case he has been convicted and in another case, the matter is pending.

5. However, considering the nature of the offences in the above referred two cases and further the fact of long period of incarceration coupled with the fact that there is unlikelihood the trial will be concluded in near future, I am of the opinion that 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 the applicant is entitled for grant of bail.

6. In the circumstance, I pass the following order:

ORDER

i) Criminal application is allowed;

ii) It is directed that the applicant shall be released on bail in Crime No.263 of 2018, registered with Panchavati Police Station, Nashik, for the offences punishable under Sections 302, 120-B r/w 34 of the Indian Penal Code and Sections 3, 4 and 5 r/w 25 of the Arms Act and Section 135 of the Maharashtra Police Act, 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 the territorial

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jurisdiction of Nashik City, till the conclusion of the trial;

iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., 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 for cancellation of bail in case of any breach of condition or misuse of liberty by the applicant.

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

7. The application is disposed of .

(ANIL S. KILOR, J)