

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

**CRIMINAL BAIL APPLICATION NO. 3676 OF 2024**

Nilesh @Pappu Jaywant Jagtap

...Applicant

**Vs.**

The State of Maharashtra

...Respondent

SAYALI  
DEEPAK  
UPASANI

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SAYALI DEEPAK  
UPASANI  
Date: 2024.10.24  
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Mr. A. V. Konde Deshmukh with Mr. Sainath, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

**CORAM:- ANIL S. KILOR, J.**

**DATED:- 23<sup>rd</sup> OCTOBER, 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. 224 of 2022 registered with Saswad Police Station, Pune, for the offences punishable under Sections 302 and 326 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 the deceased who was a beggar used to sit near the stall of the applicant. The applicant warned him from sitting there and not giving any heed to it he would assault him. Even on the date of the

incident as per the statement of the witnesses, the assault was not with an intention to kill the deceased.

4) Thus, it appears that there was no such intention of the applicant to kill the deceased. There was also no motive to eliminate the deceased.

5) In the circumstances, though some eye-witnesses are there and the present application has been opposed by the learned APP, I am of the opinion that considering the period of incarceration of the applicant, which is more than two years and further considering the fact that there is no progress in trial, I am of the opinion that the applicant is entitled for grant 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. 224 of 2022 registered with Saswad Police Station, Pune, for the offences punishable under Sections 302 and 326 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 attend the said Police Station on 1<sup>st</sup> day of every month between 10.00 am to 11.00 am till the conclusion of the trial except on the date of trial;
- iv. 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;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

**[ANIL S. KILOR, J.]**