

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

CRIMINAL BAIL APPLICATION NO. 3817 OF 2024

Vijay Vinayak Kumbharkar ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Satyam Harshad Nimbalkar i/b Mr. Abhishek Ulhas Arote ,
Advocate for Applicant.

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

Mr. Ganesh Patil, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 20th DECEMBER, 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. 262 of 2019 registered with Saswad Police Station, Dist.- Pune, for the offences punishable under Sections 302, 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that there was a land dispute between the accused and the deceased, who was close in relation with the accused.

- 4) The applicant is in jail from last five years five months and if the progress in trial is considered, not a single witness has been examined till date. There are about 43 total witnesses and even half of the total number of witnesses are considered as witnesses the prosecution would examine, there is no end of trial in sight in near future.
- 5) Thus, considering the nature of allegations and the evidence available on record coupled with 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 on the ground of long incarceration and unlikelihood of non conclusion of trial in near future.
- 6) The learned APP however strongly opposed the application and submits that if the applicant is released on bail, he may tamper with the prosecution evidence or pressurize the witnesses as the applicant and the deceased are residents of the same locality.
- 7) 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 into Taluka Purander, Dist. Pune.
- 8) 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. 262 of 2019 registered with Saswad Police Station, Dist.- Pune, for the offences punishable under Sections 302, 307, 324, 504 and 506 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 enter into the territorial jurisdiction of Taluka Purander, Dist. Pune, 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.]