

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4118 OF 2024**

Rajendra Krushna Patil ... Applicant
versus
The State of Maharashtra Respondent

Mr. Balwant Salunkhe, Advocate for the Applicant.
Mr. Prashant P. Jadhav, APP for Respondent-State.
PSI-B. B. Gavhane, Hill Line Police Station, Thane City.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th DECEMBER, 2024.

P.C. :

1. By this application, the applicant is seeking regular bail in Sessions Case No.523 of 2019 arising out of Crime No. I-254 of 2019 registered with Hill Line Police Station, Ulhasnagar for offences punishable under Sections 302, 498A, 201, 109 read with 34 of the Indian Penal Code 1860.

2. It is prosecution case that one Jayant Patil was Police Patil of Hazimalang Wadi, Taluka Ambernath, where the deceased and present applicant were staying together with their two daughters. The FIR was lodged by Jayant Patil on 19th July 2019 at about 6.30 pm. The informant saw the daughter of the applicant standing in front of her house and she was crying. The informant asked her whereabouts of her parents but she was not aware. After sometime, the applicant came towards his house.

The first informant enquired with him, at that time, the applicant told him that he had committed murder of his wife with sickle. The informant apprehended the applicant and called the police officer and thereafter, they went to the spot inside, the house of the applicant, where the body of applicant's wife was found. There were bleeding injuries on her body. Due to the injuries and bleeding, the wife of the applicant died. Thereafter, offence was registered against the applicant and co-accused-mother of the applicant.

3. It is contention of learned counsel for the applicant that applicant is behind bar for more than 5 years and 5 months. Though charge is framed, there is no progress in trial. There are 71 witnesses. It may take time to conclude the trial. Hence, requested to allow the application.

In support of his contention, learned counsel for the applicant relied on the judgments of the Hon'ble Apex Court in **Indrani Pratim Mukerjea versus Central Bureau of Investigation and anr. 2022 SCC Online SC 695 and Javed Gulam Nabi Shaikh versus State of Maharashtra and anr. (Criminal Appeal No.2787 of 2024)** and judgments of this Hon'ble Court in **Vistari Narayan Shebe versus The State of Maharashtra 1978 CRI.L.J.891, Sagar Harilal Rathod versus The State of Maharashtra in Bail Application No.3006 of 2022 and Navnath Bablo Gaonkar versus State of Goa 2023(3) Bom.C.R.(Cri) 648.**

4. Learned APP submitted that the applicant has assaulted his wife with sickle. He made extra judicial confession before the first informant. The police has seized articles and blood stained clothes of the applicant. If the applicant is released on bail, he may threaten prosecution witnesses or he may abscond, hence, requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet. The applicant is behind bar for more than 5 years and 5 months, yet trial has not started. This Court in case of **Navnat Bablo Gaonkar (supra)** has released the accused in that crime on bail as he was behind bar for more than three years. In the present case, the applicant is behind bar for more than 5 years and 5 months. There are 71 witnesses. It may take time to dispose of the trial. The prosecution case is based on circumstantial evidence and extra judicial confession. Considering these facts, further detention of the applicant is not required. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicant shall be released on bail in connection with Crime No. I-254 of 2019 registered with Hill Line Police Station, Ulhasnagar, on furnishing PR bond of Rs.50,000/- with one or more sureties in the like amount to the satisfaction of the trial Court.

3. The applicant shall not enter Thane District till the conclusion of the trial except for attending Court dates.
4. The applicant shall not, otherwise, enter Thane District, without the leave of the learned Sessions Court.
5. The applicant shall attend the Court dates regularly.
6. The applicant shall furnish his residential address while residing outside Thane District and the contact details to the Investigating Officer.
7. The applicant shall not influence the witnesses or tamper with the evidence.

The application stands disposed of.

(SHIVKUMAR DIGE, J.)