

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

Criminal Bail Application No. 4865 of 2024

Rohan @ Kalya Avidas Mane

Age 29, Occ. Labour,

R/o. Suryanagari, Tal.: Baramati,

District Pune.

...Applicant

Vs.

The State of Maharashtra

Through Baramati Police Station, Pune,

Vide C.R. No.488 of 2022

...Respondent

Mr Kuldeep Nikam a/w Ms Nishi Singhvi a/w Mr Rohit Karanjawane, for the applicant.

Ms Supriya Kak, APP for the respondent – State.

PSI Avinash Gaikwad, Baramati Taluka Police Station, Pune Gramin, is present.

Coram: R.N. Laddha, J.

Date: 29 November 2024

P.C.:

. Heard Mr Kuldeep Nikam, the learned counsel for the applicant and Ms Supriya Kak, learned Additional Public Prosecutor representing the respondent / State.

2. By this application the applicant is seeking bail in connection with CR No.488 of 2022, registered at Baramati Police Station, Pune Rural, for offences punishable under Sections 307, 504 and 506 read with 34 of the Indian Penal Code.

3. According to the prosecution, on the night of 11 September 2022, at about 10:30 p.m., the applicant, in connivance with other co-accused individuals, carried out a premeditated attack on the informant with the intent to kill. During the attack, the assailants used an axe and a broken bottle as weapons, causing severe injuries to the informant.

4. Mr Kuldeep Nikam, the learned Counsel for the applicant, contends that there was an unexplained delay of five days in filing the FIR. The applicant was arrested on 16 September 2022, and has been incarcerated since then. He contends that the alleged injuries sustained by the informant were simple, making Section 307 of the Indian Penal Code, which deals with attempt to murder, inapplicable. The FIR attributes the applicant's role to assaulting the informant with an axe, but the resulting injuries were superficial and not life threatening. Furthermore, the Maharashtra Control of Organized Crime Act charges are directed at the co-accused, not the applicant. The learned Counsel highlights that the charge sheet was filed on 3 May 2023, but the trial has yet to commence. Mr Nikam, on instructions, assures that if bail is granted, the applicant will refrain from entering the jurisdiction of the concerned police station until the trial concludes and abide by the Court's conditions.

5. Ms Supriya Kak, the learned APP appearing for respondent/State, emphasizes the serious nature of the offence and asserts that there is sufficient prima facie evidence, including the injured's statement corroborated by eyewitness testimonies and medical reports. The learned APP submits that the use of dangerous weapons, such as an axe and broken bottle, highlights the applicant's intent to commit murder and reflects an attempt to cause fatal harm.

6. This Court has given anxious consideration to the rival contentions of the parties and perused the records. The investigation has been completed, and a charge sheet has been duly filed before the competent Court. The applicant has been languishing in jail for more than two years, with no substantial progress in the trial proceedings, and there are no immediate prospects of its conclusion in the near future. The injuries sustained by the informant have been classified as simple, as opposed to grievous thereby reducing the gravity of the offence. Moreover, the applicant is a young boy aged about 21 years old, and does not pose a flight risk. Prolonged detention under these circumstances would serve no purpose. The prosecution's apprehension that the applicant may tamper with the evidence or influence the witnesses can be taken care of by imposing appropriate conditions. Hence, the following order.

ORDER

(i) The applicant Rohan @ Kalya Avidas Mane shall be released on bail in CR No.488 of 2022, registered at Baramati Police Station, Pune Rural, on executing a PR Bond of Rs.25,000/- with one or more sureties in the like amount to the satisfaction of the concerned Court.

(ii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and shall not enter into the jurisdiction of the concerned police station till conclusion of the trial.

(iii) The applicant shall furnish the permanent address and contact details to the Inspector of Police, Baramati Police Station, Pune and inform them of any changes.

(iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)