

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

BAIL APPLICATION NO.4980 OF 2024

Mahesh alias Manya Sanjay Bhagwat ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO.5152 OF 2024
IN
BAIL APPLICATION NO.4980 OF 2024**

Arjun Sambhaji Makar ...Applicant

In the matter between:

Mahesh alias Manya Sanjay Bhagwat ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Sana Raees Khan, a/w Aditya Parmar & Juhi Kadu i/b SRK Legal,
for the Applicant in BA/4980/2024.

Ms. Manisha Devkar, for Intervenor/Applicant in IA/5152/2024.

Ms. P. P. Bhosale, APP, for the Respondent-State.

P.S.I. Vijay Kolhe, Yavat Police Station, District – Pune.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16th DECEMBER 2024

P.C.:

1. Heard Ms. Khan, learned Counsel for the Applicant, Ms. Bhosale, learned APP for the Respondent – State and Ms. Devkar, learned Counsel for the Intervenor.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1	C.R. No.	588 of 2021
2	Date of registration of F.I.R.	5th July 2021
3	Name of Police Station	Yavat Police Station, District-Pune
4	Section/s invoked in F.I.R.	506, 504, 149, 302, 148, 147 & 143 of the <i>I.P.C.</i> , 1860; 3 of the <i>Arms Act</i> , 1959.
5	Date of incident	4th July 2021
6	Date of arrest	5th July 2021
7	Date of filing of Charge-sheet-sheet	22nd October 2021
8	Sections applied in Charge-sheet	302, 120B, 109, 212, 143, 147, 148, 149, 504 & 506 of the <i>I.P.C.</i> , 1860; 4 & 25 of the <i>Arms Act</i> , 1959.

3. The prosecution case is that on an earlier occasion, the Deceased had abused some of the Accused persons in an offensive and vulgur language and therefore the incident in question took place in which the Accused had assaulted the Deceased with a sword, sticks and sickle.

4. At the outset, Ms. Khan, learned Counsel for the Applicant submits that the Applicant is not seeking bail on merits and she is only seeking bail on the ground of long incarceration. She submits that the Applicant is incarcerated since 5th July 2021 and till date there is no progress in the trial and even the Charge is also not framed. She submits as per the prosecution case, there are about 49 witnesses proposed to be examined by the prosecution. Thus, the trial is likely to take a considerably long time to conclude.

5. On the other hand, Ms. Devkar, learned Counsel for the Intervenor and Ms. Bhosale, learned APP for the Respondent – State strongly opposed the Bail Application. Both of them submitted that the present Applicant is Accused No.1 and he has played main role in the offence. There are 11 eye witnesses to the incident and therefore, the Bail Application be rejected. The Applicant had brutally assaulted the deceased. Both of them submitted that the Applicant has antecedent being C.R. No.106 of 2021 registered with Yavat Police Station, District-Pune for the offence punishable under Sections 326, 324, 323, 506, 141, 143, 147 and 34 of the *Indian Penal Code, 1860* (“IPC”). Both of them therefore submitted the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 4th July 2021, F.I.R. was lodged on 5th July 2021, the Applicant was arrested on 5th July 2021 and the Charge-sheet was filed on 22nd October 2021. The Applicant is in custody since about 3 years and 5 months. Till date, there is no further progress in the trial and even the Charge is also not framed yet. There are in all 49 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time. The Applicant is a young man aged 25 years. Although there is 1 antecedent against the Applicant, the same is of the year 2021 and the Applicant has been released on bail in that case. Accordingly, the Applicant is entitled to be released on bail.

7. However, Ms. Bhosale, learned APP states that if the Applicant is released on bail, then there is likelihood that the Applicant may try to influence the witnesses.
8. Ms. Khan, learned Counsel for the Applicant after taking instructions states that as several witnesses are from District–Pune, the Applicant will therefore not enter District–Pune and that the Applicant will reside at C/o Parasram Ashok Aalkute, Nagar-Pathardi Road, Aalkute Wasti, Vadarvadi, Bhingar, District-Ahilyanagar (Ahmednagar).
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:

ORDER

- (a) The Applicant – Mahesh alias Manya Sanjay Bhagwat be released on bail in connection with C.R. No.588 of 2021 registered with the Yavat Police Station, District–Pune on his furnishing P.R. Bond of Rs.1,00,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the District–Pune after being released on bail, except for reporting to the Investigating Officer, if called.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the

Investigating Officer and shall keep the same updated, in case of any change thereto.

- (d) The Applicant shall report to the Bhingar Police Station, District–Ahilyanagar (Ahmendnagar) once every week i.e. on every Sunday between 11:00 a.m. and 1:00 p.m. till the conclusion of the trial. The Police Inspector of Bhingar Police Station, District–Ahilyanagar (Ahmendnagar) to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.
13. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.
14. In view of disposal of the Bail Application, nothing survives in the Intervention Application and the same is also disposed.

[MADHAV J. JAMDAR, J.]