



{1}

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 293 OF 2025

Kubdya @ Kiran Dashrath Palve
Age – 30 years, Occu.: Labour,
R/o Nagpur, Tq. & Dist. Ahmednagar. ... Applicant

Versus

The State of Maharashtra,
Through The Police Inspector,
MIDC Police Station,
Tq. & Dist. Ahmednagar. ... Respondents

.....
Mr. Rahul R. Karpe, Advocate for Applicant
Ms. Vaishali S. Choudhari, APP for Respondent - State
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 17 MARCH 2025
PRONOUNCED ON : 19 MARCH 2025

PER COURT :-

1. Applicant, who is arrested in Crime No.0178 of 2022, registered at M.I.D.C. Police Station, Ahmednagar, Dist. Ahmednagar for offences punishable under Sections 307, 143, 147, 148, 149, 504, 506, 120-B of the Indian Penal Code (IPC) and under Sections 37(1), 37(3) and under Section 135 of the Maharashtra Police Act, and under Section 4/25 of the Arms Act and under Sections 3(1)(II), 3(2) and 3(4) of the MCOC Act, is seeking grant of regular bail.

{2}

2. Learned counsel for the applicant submitted that, the present application is successive bail application. That, now applicant, who is behind the bars since 29.03.2022, is already undergoing long incarceration. That, charge-sheet is filed in September 2022 itself. He pointed out that, there are allegations that present applicant assaulted on head, however, there is single cut injury. He pointed out that, charge is framed and matter is though committed, prosecution is intending to examine as many as 44 witnesses, but till date, not a single witness has been examined. That, this court in order dated 30.11.2023, has stated that, if the trial is not concluded within a period of one year from that day, the applicant would be at liberty to move before the Sessions Court for bail. That, in spite of being moved, learned trial Court has rejected the application. According to learned counsel, no further purpose would be achieved by continuing the detention of the applicant, and when there are no prospects of matter going for trial or its conclusion, learned counsel seeks grant of bail.

3. Learned APP opposed the bail application on the ground that, there is direct eye witness account. That, there is assault by means of deadly weapon. Moreover, according to learned APP,

{3}

applicant is habitual and has bad antecedents. Therefore, according to learned APP, there is every possibility of misuse of liberty in committing similar offence.

4. Heard. Perused the papers including FIR dated 18.03.2022. Informant Altaf Bagwan has reported that, on 17.03.2022, Prem Narendra Bhakre, Kubdya @ Kiran Dashrath Palve (present applicant), Dhachya @ Navinya Bhakre, Dipak Berad, Bhurya, Ashish Ashok Bhakre assaulted informant by means of knife and beer bottles, and attempted to commit the murder. On above report, crime was registered for above offences.

5. Admittedly, previous application seeking bail has gone futile, and as such, present application is successive bail application. Learned counsel laid stress on the year of arrest, and pointed out that, charge being filed in September 2022, there is no progress in the trial, and moreover, prosecution intends to examine 44 witnesses, but not a single witness is examined here. As submitted it does appear from the papers that FIR is of 18.03.2022, and present applicant is shown to be arrested on 29.03.2022. Learned APP does not dispute that investigation is over and charge-sheet is filed in September 2022 itself.

{4}

6. As regards to trial proceedings is concerned, submissions made before this Court that, prosecution is intending to examine 44 witness has not denied by the learned APP. Similarly, another submission made that, trial has not commenced yet, nor any calender being framed by trial Court for conducting the trial, is also not refuted. Therefore, considering the long incarceration and when, no further purpose would be achieved by continuing further detention of the applicant. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant Kubdya @ Kiran Dashrath Palve, be released on bail in connection with Crime No.0178 of 2022, registered at M.I.D.C. Police Station, Ahmednagar, Dist. Ahmednagar, on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter Village Navnagapur Taluka and District Ahmednagar till conclusion of trial.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

{5}

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 10.00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane