

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

CRIMINAL BAIL APPLICATION NO. 5464 OF 2024

Basavraj Mahadev Teli @ Kannapanavar ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi a/w Mr. Samay Pawar, Mr. Ishan Paradkar,
Advocate for the Applicant.

Mr. Swapnil V. Walve, A.P.P for the Respondent – State.

API Rital V. Parule, Shivaji Nagar, Police Station, present.

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CORAM : N. R. BORKAR, J.
DATE : 19th MARCH, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 559
of 2020 registered at Shivaji Nagar Police Station, District :
Kolhapur for the offences punishable under Sections 302, 307,
323, 504 r/w Section 34 of the Indian Penal Code.
3. It is the case of the prosecution that on 07.11.2020,
on account of previous dispute, the present applicant and
other co-accused assaulted the deceased by knife and
committed his murder.

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4. The bail is sought on the ground of long incarceration as an under-trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for four years and four months and trial is not likely to be concluded in near future as despite the order of this Court dated 07.12.2023 to conclude the trial as early as possible, except framing of charge, there is no progress in the trial.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant is involved in serious offence of murder. It is submitted that there are eye witnesses to the incident. It is submitted that the present application may not be entertained as this Court by order dated 07.12.2023, considering the nature of crime, has on merits rejected the application filed by the applicant for bail.

6. I have perused the order dated 07.12.2023 in Bail Application No.3243 of 2023. Though by the said order, this Court has rejected the bail application filed by the applicant, however, directed the trial Court to conclude the trial as early as possible. It appears that inspite of the said order, except framing of charge, there is no progress in the trial. The

applicant is in jail for four years and four months. Considering the over all facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 559 of 2020 registered at Shivaji Nagar Police Station, District : Kolhapur for the offences punishable under Sections 302, 307, 323, 504 r/w Section 34 of the Indian Penal Code on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station once in a month i.e. on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) The applicant shall not tamper with the prosecution case.
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)