

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

BAIL APPLICATION NO. 1373 OF 2024

Mahesh Balasaheb Gawade	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Amit Icham a/w Mr. Chaitanya Purankar, Advocate for the Applicant.

Ms. Poonam Bodke Patil (Through V.C.), Advocate for the Intervenor.

A.P.P. for the Respondent – State.

Mr. Sandeep Chavan (API), Paud Police Station, Pune, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	14th FEBRUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.445 of 2019 registered at Paud Police Station, Dist.-Pune for the offences punishable under Sections 302, 323, 427, 143, 147, 148, 149, 120-B of the Indian Penal Code (IPC), Section 4, 27 of Arms Act and 37(1)(3) read with Section 135 of Bombay Police Act.

3. According to the prosecution, there was enmity between the deceased on one side and the present applicant and other co-accused on other side. It is alleged that due to said enmity, on the date of incident which took place on 8th October 2019, the present applicant and the other co-accused assaulted the deceased by sharp weapon and committed his murder.

4. The learned counsel for the applicant has drawn my attention to the order dated 26th October 2023 passed by this Court in Bail Application No.2631 of 2023. The learned counsel for the applicant submits that by the said order, this Court permitted the applicant to withdraw the application for bail with liberty to file fresh application after six months, if the trial does not progress substantially. It is submitted that the applicant is in jail for four years and nine months and the trial is still at the initial stage.

5. On the other hand, the learned A.P.P. for the Respondent-State and the learned counsel for the Intervenor submits that the trial has commenced. It is submitted that the case is based on the direct evidence. It is submitted that the

deceased was brutally assaulted. It is submitted that as the trial has commenced, the present application may not be entertained.

6. It is not disputed that the trial is at the very initial stage. The applicant is in jail for four years and nine months. Considering the overall facts and circumstances, 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.445 of 2019 registered at Paud Police Station, Dist.-Pune for the offences punishable under Sections 302, 323, 427, 143, 147, 148, 149, 120-B of the Indian Penal Code (IPC), Section 4, 27 of Arms Act and 37(1)(3) read with Section 135 of Bombay Police Act 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 twice in a month i.e., on first and third Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) The applicant shall not tamper with the prosecution evidence;

- (v) The applicant shall not commits any other offence;
- (vi) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason;
- (vii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)