

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1913 OF 2024

CORAM : ANIL S. KILOR, J.

RESERVED ON : 19TH DECEMBER, 2024.

PRONOUNCED ON : 23RD JANUARY, 2025.

ORDER: (PER ANIL S. KILOR, J)

2018 registered with Sanjaynagar Police Station, Sangli for the offences punishable under Sections 302, 212, 201, 114, 109 r/w 34 of the Indian Penal Code.

3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that the applicant is in jail from 19th July 2018 i.e. for more than 6 and ½ years and though the trial has commenced, there is no much progress in the same. There are about 50 witnesses and till date, only 2 witnesses have been examined. Thus, there is no end of trial in sight.

4. There is nothing to point out that the delay in trial is attributable to the applicant and therefore, even if the trial is commenced in the present matter, considering the long period of incarceration of the applicant, his prayer for grant of bail can be considered.

5. However, the learned counsel for the intervenor opposed the application on the ground that when the accused no. 1 was produced before the trial for hearing, he threatened the co-accused, Kumsage that all witnesses working in his hotel and who are the witnesses should depose in the Court as he asked otherwise he will kill him.

6. In light of the said submission, the record is perused and it is noticed that immediately a complaint as regards the above referred threat was made to the trial court and thereupon the directions were issued to the IO to take care of the witnesses and also the FIR came to be filed. It is also noticed that the applicant filed a counter application

alleging that accused no. 6, Kumsage demanded Rs.25 lakh in order to acquit the applicant by directing the witnesses to depose in his favour. The learned trial Court thereupon, asked the applicant to file a complaint before the police station.

7. The record further shows that the alleged incident took place in presence of two police constables. However, statements of those police constables do not support the case of the intervenor as regards the alleged threat given by the applicant.

8. In the circumstances, I am of the opinion that though the learned APP and the learned counsel for the intervenor have strongly opposed the application, as there is no possibility that in near future the trial will be concluded, the applicant needs to be released on bail by putting certain stringent conditions.

9. At this stage, the learned counsel for the applicant in view of the allegation that the applicant had given threat to co-accused, on instructions, made a submission that the applicant is ready to abide by any condition including not to enter into Sangli District, till the conclusion of trial, except for attending the trial.

10. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on

bail in connection with Crime No.107 of 2018 registered with Sanjaynagar Police Station, Sangli for the offences punishable under Sections 302, 212, 201, 114, 109 r/w 34 of the Indian Penal Code, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall not enter into the territorial jurisdiction of District-Sangli, till the conclusion of the trial;

iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the aid Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

11. The Criminal Application is disposed of.
12. In view of disposal of the main application, Interim Application No. 3701 of 2024 is also disposed of.

(ANIL S. KILOR, J)