

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2586 OF 2024

Yogesh @ Bala Shendkar
V/s.

...Applicant

State of Maharashtra

...Respondent.

.....
Mr. Satyam Harshad Nimbalkar i/b Mr. Abhishek Ulhas Arote for the Applicant.

Mr. Tanveer Khan, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 30.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 657 of 2018 registered at Bharti Vidyapeeth Police Station, for the offences punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code (IPC), Section 4 read with 25 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 06.12.2018, on account of previous dispute, the present applicant and other co-accused assaulted the deceased by sharp weapon and committed his murder.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.

5. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 21.09.2023 in Bail Application No.863 of 2023. By the said order this Court rejected the application filed by the applicant for bail with liberty to file fresh application after six months, if the trial does not progress substantially. At the same time this Court directed the trial Court to conclude the trial expeditiously. The learned counsel for the applicant submits that in spite of the said order, there is no substantial progress in the trial. It is submitted that the applicant is in jail for more than six years and the trial is not likely to be concluded in near future. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in serious offence of murder. It is submitted that the trial has commenced and the prosecution has examined certain witnesses. It is thus submitted that the applicant may not be released on bail.

7. The applicant is in jail for more than six years. Apart from long incarceration, the motive for the alleged crime is not attributed to the present applicant. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 657 of 2018 registered at Bharti Vidyapeeth Police Station, for the offences punishable under Sections 302, 143, 147, 148, 149 of the IPC, Section 4 read with 25 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of Pune district except to attend the dates before the trial court, till conclusion of trial.

D] The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month, i.e., on 1st Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]