

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

CRIMINAL BAIL APPLICATION NO. 3469 OF 2024

Mayur @ Mahesh Rameshwar Khurangule...Applicant

VERSUS

The State of Maharashtra

...Respondent

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Mr. Prashant S. Hagare a/w Mr. Krishna Tarde, Advocate for
the Applicant.

Mr. Veera Shinde, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 07.03.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 45 of 2020 registered at Chandan Nagar Police Station, Dist- Pune for the offences punishable under Section 302 of the Indian Penal Code and under Sections 37(1) & 135 of the Maharashtra Police Act.
3. The deceased was a fruit vendor. According to the prosecution, on the date of incident which took place on 05.02.2020, dispute arose between the deceased and the

present applicant, on account of price of guava fruit. It is alleged that during the said dispute the present applicant had picked up the knife which was there in the shop of the deceased and assaulted him by the said knife and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The bail is sought on the ground of long incarceration as under-trial prisoner. It is submitted that the applicant is in jail for more than five years and the trial is not likely to conclude in the near future. The learned counsel for the applicant submits that even otherwise the incident was not pre-meditated.

6. On the other hand, the learned APP for the respondent-State submits that the case is based on dying declaration of the deceased. It is submitted that the deceased was brutally assaulted. It is submitted that the applicant is involved in one more crime for the offence punishable under Section 324 of the Indian Penal Code. As regards the long incarceration the learned APP submits that the trial has commenced and the trial Court has

started recording the evidence of the witnesses. It is submitted that at this stage the applicant may not be released on bail.

7. I have perused the post-mortem report. The deceased was brutally assaulted. The case is based on dying declaration. The trial has already commenced. Considering the overall facts and circumstances, I am not inclined to entertain the present application.

8. The application is therefore rejected.

(N. R. BORKAR, J.)