

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.39 of 2015, registered with Rajarampuri Police Station, Kolhapur, (C.R. No. 17 of 22 re-registered with Anti Terrorism Squad, Mumbai on 19/08/2022), for the offences punishable under Sections 302, 307, 120-B, 109, 201 r/w 34 of the Indian Penal Code and Sections 3(1) r/w. 25 (1B) (a), 5 r/w. 27 of the Arms Act.

3. Having gone through the charge-sheets and the relevant material collected by the investigating agency, it is evident that the applicant was arrested on 15.01.2019 and he is in jail from last more than 6 years.

4. The applicant was implicated in the present offence after filing of the 2nd supplementary charge-sheet on 11.02.2019 i.e. after 4 years of the FIR. The basis for implication of name of the applicant is the statement of one witness, namely Sagar Lakhe, which was recorded after more than 3 and ½ years of the incident.

5. The case against the applicant is of conspiracy. *Prima Facie*, there is no sufficient evidence to show the direct involvement of the applicant in the alleged offence. The witness on which the prosecution is relying upon for the purpose of showing conspiracy, as stated above, his statement was recorded after 3 and ½ years of the incident. Thus, it creates doubt about how the witness can state the minor details about the meeting after laps of a period of 4 to 5 years. However, considering the nature of allegation against the applicant and the nature of evidence collected against the applicant, coupled with the fact that the applicant is in jail from last more than 6 years and there is no

likelihood that trial will be concluded in near future, the applicant's prayer for bail can be considered on the ground of long period of incarceration.

6. No doubt there are antecedents against the applicant.

7. In the present matter the prosecution has cited about 231 witnesses and till date about 25 to 30 witnesses have been examined. Thus, it can be said that the trial is progressing with low pace and there is unlikelihood that it would not be concluded in near future.

8. In the circumstances, considering the long period of incarceration and considering the allegations and nature of material against the applicant, I am of the opinion that the applicant is entitled for grant of bail.

9. In the circumstance, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.39 of 2015, registered with Rajarampuri Police Station, Kolhapur, (C.R. No. 17 of 22 re-registered with Anti Terrorism Squad, Mumbai on 19/08/2022), for the offences punishable under Sections 302, 307, 120-B, 109, 201 r/w 34 of the Indian Penal Code and Sections 3(1) r/w. 25 (1B) (a), 5 r/w. 27 of the Arms Act, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with

one solvent surety in the like amount;

iii) If the applicant is not in jail in any other offence, on release of the applicant in the present crime, he shall attend Rajarampuri Police Station, Kolhapur on every 1st and 16th of each month between 10.00a.m. and 12.00 noon till conclusion of the trial, except on the date of trial of this case or any other case;

iv) 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;

v) Liberty is granted to the State for cancellation of bail if the applicant breaches any condition or misuses the liberty or commits similar offence;

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

10 The application is disposed of .

11. In view of disposal of the main application, Interim Application No. 4888 of 2024 is also disposed of.

(ANIL S. KILOR, J)