

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3853 OF 2024

Akshay D. Pawar

...Applicant

V/s.

The State of Maharashtra

...Respondent.

.....
Mr. Karma Vivan a/w. Mr. Tejas Kothalikar, Mr. Junaid Thange and
Ms Isha Singh for the Applicant.

Mr. S.S. Choudhari , APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 16.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant is accused No.2 in Sessions Case No. 1229 of 2019, pending on the file of the Sessions Court at Pune arising out of Crime No.658 of 2019 registered at Yerwada Police Station, Pune for the offences punishable under Sections 302 and 201 read 34 of the Indian Penal Code.
3. According to the prosecution, the present applicant and other co-accused committed the murder of Vijay Pawar on account of previous dispute.
4. The learned counsel for the applicant submits that the applicant is in jail for more than 5 and ½ years. It is submitted that considering the said fact and the order passed by the Hon'ble Supreme Court dated 05.04.2023 in Special Leave

Petition (Criminal) Dairy No. 9345 of 2023, the applicant may be released on bail. The order passed by the Hon'ble Supreme Court reads thus:

"ORDER

Delay condoned.

After the matter was heard at some length, learned counsel appearing for the petitioner made a request to permit withdrawal of this petition with liberty to file bail application afresh, in case the trial is not concluded within a period of six months.

Prayer made is allowed.

The special leave petition accordingly stands dismissed as withdrawn with liberty to the petitioner to renew his prayer for bail after a period of six months, in case the trial is not concluded within a period of six months."

5. Learned APP submits that the trial has already commenced.
6. Learned counsel for the applicant has drawn my attention to the Roznama of the trial Court. The trial Court has examined the first witness on 18.07.2024 and thereafter there is no effective progress in trial since last six months. In that view of the matter, I am not inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Sessions Case No.1229 of 2019, pending on the file of Sessions Court at Pune, arising out of Crime No.658 of 2019 registered at

Yerwada Police Station, Pune for the offences punishable under Sections 302 and 201 read 34 of the IPC, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall regularly attend the dates before the trial Court.

[N.R.BORKAR, J.]