

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO. 3874 OF 2024**

Shubham R. Kawade  
V/s.  
The State of Maharashtra

...Applicant  
...Respondent.

.....

Mr. Ashraf Ali Akhtar Shaikh a/w. Mr. Shaikh Ibrahim and Mr. Shaikh Faizan for the Applicant.  
Mr. S.S. Choudhary, APP for the Respondent/State.

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**CORAM : N.R. BORKAR, J.**  
**DATE : 06.02.2025.**

**P.C. :**

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.663 of 2016 registered at Hadapsar Police Station, Pune for the offences punishable under Section 302 read with 34 of the Indian Penal Code.
3. It is the case of the prosecution that on the date of incident, which took place on 5.10.2016, the present applicant and other co-accused had gone to the shop of the deceased and assaulted him with sharp weapons on account of previous dispute 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 prolong incarceration as an under-trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for 6 years and 7 months. It is submitted that though the trial has commenced on 14.1.2020, till date the prosecution has examined only two witnesses. It is submitted that the trial is not likely to be over in near future. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the respondent/State submits that the applicant was released on bail during covid pandemic. It is submitted that N.B.W. was required to be issued against him as he did not surrender and was ultimately arrested on 10.07.2023. It is submitted that considering the seriousness of offence, the applicant may not be released on bail.

7. Considering the fact that the applicant is in jail for 6 years and 7 months and as there are no other criminal antecedents, I am inclined to release him on bail. In the result, the following order is passed.

### **ORDER**

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 663 of 2016 registered at Hadapsar Police Station, Pune for the offences punishable under Section 302 read with 34 of the Indian Penal Code 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.]**