

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

CRIMINAL BAIL APPLICATION NO. 3975 OF 2024

Ganesh Pundalik Ainkar	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

....

Mr. Shailesh Kharat a/w Mr. Sumitkumar Nimbalkar a/w Govind Mundhe, Advocate for the Applicant.

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

....

CORAM : N. R. BORKAR, J.
DATE : 28.01.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.62 of 2020 registered at Neral Police Station, Dist-Raigad for the offences punishable under Sections 302, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code and under Section 37(1) and 37(3) of Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 04.05.2020, the applicant and other co-accused, without the consent of the complainant were digging the land owned by him for laying the pipe line. It is alleged that thus the complainant and his son came there and objected to the said act of the applicant and other co-

accused. It is alleged that altercation took place between them and during the said altercation, the present applicant and other co-accused assaulted the son of the complainant by wooden sticks, spade, knife and sword 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 submits that this Court by order dated 12.09.2023 passed in Bail Application No. 902 of 2023, directed the trial Court to expedite the trial. It is submitted that inspite of said order, there is no progress in the trial. It is submitted that even otherwise, the incident was not premeditated. It is submitted that the applicant is in jail for five years and there are no other criminal antecedents against the applicant. It is thus, submitted that the applicant may be released on bail.

6. On the other hand, learned APP submits that the present applicant and the co-accused brutally assaulted the deceased by sword and knife. It is submitted that there are eye witnesses to that effect. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The applicant is in jail for five years and the trial has not commenced, though this Court has expedited the trial. *Prima-facie*, the incident does not appear to be

premeditated. Considering the overall facts, I am 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 Crime No.62 of 2020 registered at Neral Police Station, Dist-Raigad for the offences punishable under Sections 302, 143, 147, 148, 149, 324, 323, 504 of the Indian Penal Code and under Section 37(1) and 37(3) of Maharashtra Police Act, 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 not enter into the limits of Karjat Taluka except to attend the dates before the trial Court till conclusion of the trial.

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

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)