

Nikita

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

BAIL APPLICATION NO.4410 OF 2024

Vicky Rohidas Funde

... Applicant

V/s.

State of Maharashtra

... Respondent

Ms. Anjali Patil a/w Mr. Tohid Shaikh for the Applicant.

Mr. Tanveer Khan, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 9th JUNE, 2025

P.C.:

1. Heard Ms. Anjali Patil, learned Advocate for the Applicant.
Mr. Tanveer Khan learned APP for the State.

2. By the present Application under Section 483 of BNSS, the Applicant is seeking bail in connection with C. R. No.253 of 2023, for the offences punishable under Section 307 of Indian Penal Code, and Section 37(1)(3) read with 135 of the Maharashtra Police Act, 1951.

3. Case of the prosecution is that the accused assaulted the informant by use of knife. Applicant is brother-in-law of the victim. Reasons given for the said assault is family dispute.

4. Applicant was arrested on 09.10.2023. Applicant was in police custody for eight days and since then he is in judicial custody.

5. The Criminal Bail Application No.3934 of 2024 filed by the Applicant before the learned Sessions Judge, Pune was rejected on 31.07.2024.

6. Ms. Patil learned Advocate for the Applicant submits that offence as alleged against the Applicant is on account of family dispute. By referring to the FIR, she submits that no case under Section 307 of IPC is made out. She submits that even if the offence as alleged is considered, then the same at the most would be an act of voluntarily causing hurt by dangerous weapon. She submits that for the punishment for voluntarily causing hurt is a maximum of three years. She points out the injury certificate to indicate the nature of the injuries to be simple. She submits that the investigation is complete. She submits that though, charge-sheet is filed, however till the date charge is not framed. She submits that the Applicant is in jail since 09.10.2023, without trial, which amounts to long incarceration. She relies on the order passed by this Court in case Niklesh Prakash Patil Vs. The State of Maharashtra¹ and Vikas Chandrakant Patil Vs. The State of Maharashtra² wherein this Court after considering the law on long incarceration had released the accused in the said case on bail. She, therefore, prays that the Applicant be released on bail.

7. Mr. Tanveer Khan, learned APP submits that the Applicant has several criminal antecedents. He submits that the FIR indicates the entire intention of the Applicant was to kill the Respondent. He

1 Bail Application No.1208 of 2025, decided on 08.05.2025

2 Bail Application No.1963 of 2025, decided on 09.05.2025

submits that from the nature of the injuries, the offence as charged against the Applicant is made out. He submits that the Applicant is related to the family of the victim and there is every possibility of the Applicant if released on bail interfering with the said witnesses/family of the victim. Mr. Khan however does not dispute the period for which the Applicant is in jail and the fact of the charge not being framed.

8. I have perused the records placed before me the able assistance of the Respondent.

9. Considering the allegations and the nature of injuries, *prima facie* the same would be a case of voluntarily causing hurt by dangerous weapon, punishment of which is maximum of three years. Further the allegations again *prima facie* give a impression that the incident occurred out of a family dispute.

10. Applicant having pressed into service the right to have speedy trial and has submitted that he is incarcerated for a period of 20 months, till date the charge not being framed, as stated by the learned Advocate for the Applicant, the Applicant would be justified in pressing into service his right to be enlarged on bail.

11. Mr. Anjali Patil states that the Applicant shall not enter or reside within the jurisdiction of the Sahakarnagar Police Station for a period of three years. Statement accepted.

12. In view of the above, the Application is allowed, subject to the following Conditions.

a) Applicant is directed to be released on bail on his

furnishing P.R. bond in the sum of Rs.25,000/- with one or two local sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Pune.

b) Applicant shall report to the Investigation Officer, Sahakar Nagar Police on the 3rd and 18th day of every month, which period shall commence from 16.06.2025.

c) Applicant shall attend the Court on each date of hearing in Criminal Case No.824 of 2024 pending before the District and Sessions Court, Pune Maharashtra, unless exempted.

d) Applicant shall not interfere or influence to any of the witnesses of this case or tamper with the evidence.

13. The Bail Application No.4410 of 2024 is disposed off.

(ASHWIN D. BHOBE. J.)