

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

BAIL APPLICATION NO. 4565 OF 2024

Devidas @ Deva Ghansham

Pavhane

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

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Mr. Kuldeep Nikam, Advocate for the Applicant.

Mr. Tanveer Khan, A.P.P. for the Respondent No.1 – State.

Ms. Deepali Bagla, Appointed Advocate for the Respondent No.2.

Ms. Ketaki Charan (API), Hadapsar Police Station, Pune, present.

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CORAM : N. R. BORKAR, J.

DATE : 24th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 350 of 2020 registered at Hadapsar Police Station, District : Pune, for the offences punishable under Sections 363, 364, 302, 147, 148, 149 of the Indian Penal Code, 1860, Section 3(2) (Va), 4(I) (S) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 12 of the

Protection of Children from Sexual Offences Act, 2012.

3. The applicant is accused No.3 in the aforesaid crime. The deceased and accused No.5 were friends. It is alleged that on the date of incident, which took place on 12.03.2023, on some trivial issue altercation took place between the accused No.5 and the deceased, who on the date of incident was minor. It is alleged that accused No.5 thus got annoyed. He called the present applicant and other co-accused. It is alleged that the present applicant and other co-accused then forcibly took him to isolated place. It is alleged that there his cloths were removed and then the present applicant and other co-accused assaulted him by sharp weapons and committed his murder.

4. I have heard the learned counsel for the applicant, learned A.P.P. for the Respondent No.1-State and learned counsel for the Respondent No.2-Complainant.

5. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 1st February 2024 in Criminal Appeal No.965 of 2023. By the said order, the applicant was permitted to withdraw his

application for bail with liberty to apply for bail after six months, if there is no substantial progress in trial. The learned counsel for the applicant submits that the applicant is in jail for five years and the trial is still at the stage of framing of charge.

6. On the other hand, the learned A.P.P. for the Respondent No.1-State and learned counsel for the Respondent No.2 submits that the applicant is involved in serious offence of murder. It is submitted that the applicant is involved in one more crime for the offences punishable under Sections 399 and 402 of the IPC. It is submitted that the applicant therefore may not be released on bail, and instead trial be expedited.

7. The applicant is in jail for five years. The fact that the trial is still at the stage of framing of charge is not disputed. Considering the overall facts and circumstances and in view of the order passed by this Court dated 1st February 2024 in Criminal Appeal No.965 of 2023, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 350 of 2020 registered at Hadapsar Police Station, District : Pune, for the offences punishable under Sections 363, 364, 302, 147, 148, 149 of the Indian Penal Code, 1860, Section 3(2) (Va), 4(I) (S) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station twice in a month i.e. on first and third Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) The applicant shall not commit any other crime;
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)