

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4972 OF 2024

Sham Balasaheb Kale

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shailesh Kharat a/w Mr. Onkar Chaudhari, Advocate for the Applicant.

Mr. Shrikant Yadav, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th APRIL, 2025.

P.C. :

1. The Applicant is seeking regular bail in crime No.84 of 2020 registered with Velhe Police Station, Pune Rural, District: Pune, for the offences punishable under Section 307 and 393 read with 34 of the Indian Penal Code, 1860 (for short (“IPC”) and Section 3(25) of the Arms Act, 1959.

2. It is prosecution’s case that on 1st November, 2020 due to fear the first informant chased some unknown persons with satur (weapon) in his hand. Those persons had been to hotel of the first informant. It is alleged that out of those persons one person fired at

first informant from pistol. The said bullet hit at chest of the first informant.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bar for more than four years and six months, yet charge has not been framed against him. The role attributed to the Applicant that at the time of incident he was sitting on motorcycle. The Applicant had not fired at first informant. Hence, requested to allow the application.

4. It is contention of learned APP that the Applicant along with co-accused tried to rob the first informant by going in his hotel. One of the co-accused, fired at the first informant with intention to kill him. The police has recovered pistol at the instance of the Applicant. The Applicant has antecedent, if the Applicant is released on bail, he may abscond. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused charge sheet.

6. There are no allegations against the Applicant that he had fired at first informant. The applicant was part of the group who tried to rob the first informant. The Applicant is behind bar for more than four years and six months, yet trial has not been started. It may take time to conclude the trial. Considering these facts, I pass

following order:-

ORDER

- i. Application is allowed.
- ii. The Applicant be released on bail in connection with C. R. No.84 of 2020 registered with Velhe Police Station, Pune Rural, District:- Pune, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount.
- iii. The Applicant shall mark his attendance with the concerned police station on First Saturday of each month between 11:00 a.m. to 2:00 p.m. till the conclusion of the trial.
- iv. The Applicant shall remain present before the trial Court on each date unless exempted by the trial Court.
- v. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
- vi. The Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any,

from time to time to the Investigating Officer.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)