

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

CRIMINAL BAIL APPLICATION NO. 5028 OF 2024

Om Prabhakar @ Raju Survase

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Satyavrat Joshi a/w Mr. Zaheer Shaikh a/w Mr. Ishan Paradkar, Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

....

CORAM : N. R. BORKAR, J.
DATE : 11.02.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 175 of 2021 registered at Dattawadi Police Station, Dist- Pune for the offences punishable under Sections 302, 307, 504, 506 r/w 34 of the Indian Penal Code and Section 4(25) of the Arms Act and Sections 37(1) r/w 135 of Bombay Police Act and Section 7 of Criminal Law Amendment Act.
3. It is alleged that on the date of incident, which took place on 08.08.2021 the present applicant and other co-accused assaulted the deceased by Koyta and committed his murder.

4. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 17.04.2024 in Bail Application No. 674 of 2024. By the said order this Court permitted the present applicant to withdraw the bail application filed by him and granted liberty to file fresh application after six months if the trial does not progress substantially. The learned counsel for the applicant submits that the trial is still at the stage of framing of charge. It is submitted that the applicant is in jail more than three and half years. It is submitted that this Court has already released the co-accused on bail.

5. On the other hand, the learned APP for the state submits that applicant is involved serious crime. It is submitted that the present applicant has assaulted the deceased by Koyta and there are eye witnesses to that effect. It is submitted that the present applicant is involved in one more crime for the offence punishable under Section 353 of the Indian Penal Code. It is submitted that considering the nature of offence the applicant may not be released on bail.

6. The fact that the applicant is in jail for more than three and half years and trial is still at the stage of framing of charge is not disputed.

7. The main allegations are against the co-accused Rushikesh @ Bhukka Pandurang Kondbhar. Considering the overall facts and circumstances, 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. 175 of 2021 registered at Dattawadi Police Station, Dist- Pune for the offences punishable under Sections 302, 307, 504, 506 r/w 34 of the Indian Penal Code and Section 4(25) of the Arms Act and Sections 37(1) r/w 135 of Bombay Police Act and Section 7 of Criminal Law Amendment 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 Pune district till conclusion of trial, except to attend the dates before the trial Court.

D] The applicant shall not commit any other crime.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)