

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

CRIMINAL BAIL APPLICATION NO. 5115 OF 2024

Monya @ Manoj Jaywant Mankar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

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Adv. Krishma Joshi, a/w Mr. Sangram Jadhav, Mr. Akash Chikate, i/b Mr. Vipul Dushing Advocate for the Applicant.

Ms. G. S. Rao, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 02.05.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 513 of 2020 registered at Paud Police Station, Dist- Pune for the offences punishable under Sections 302, 323 & 449 read with 34 of the Indian Penal Code and Section 4 read with 27 of the Arms Act.
3. It is the case of the prosecution that on the date of incident which took place on 07.11.2020, the present applicant and other co-accused assaulted the deceased by koyta etc. and committed his murder due to previous dispute.
4. I have heard the learned counsel for the applicant

and the learned APP for the respondent/State.

5. The bail is sought on the ground of long incarceration as under-trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for four years and six months. It is submitted that this Court by order dated 04.11.2023 in Bail Application No.1062 of 2023 directed the trial Court to conclude the trial expeditiously. It is submitted that, inspite of said order except framing of charge, there is no progress in the trial. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the Respondent/State submits that the case is based on direct evidence. It is submitted that the present applicant has assaulted the deceased by Koyta. It is submitted that considering the nature of crime the applicant may not be released on bail.

7. This Court by order dated 04.11.2023 in Bail Application No.1062 of 2023 permitted the applicant to withdraw the earlier bail application with liberty to file a fresh application after one year if there is no substantial progress in the trial. This Court directed the trial Court to conclude the trial expeditiously. Inspite of the said order, except for the framing of charge there is no progress in trial. The applicant is in jail for four years and six months. There are no other criminal antecedents. Considering the said 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. 513 of 2020 registered at Paud Police Station, Dist- Pune for the offences punishable under Sections 302, 323 & 449 read with 34 of the Indian Penal Code and Section 4 read with 27 of the Arms 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 attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)