

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5165 OF 2024

Kiran S. Wasare

...Applicant

V/s.

The State of Maharashtra

...Respondent.

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Mr. Kuldeep U. Nikam a/w. Mr. Om N. Latpate and Mr. Devendra Kale for the Applicant.

Mrs. Prajakta S. Rane, APP for the Respondent/State.

API Mr. A. G. Pawar, Wakad Police Station, Pimpri Chinchwad, present.

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CORAM : N.R. BORKAR, J.
DATE : 31.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.680 of 2021 registered at Wakad Police Station, Pune for the offences punishable under Sections 302 , 504 and 506 of the Indian Penal Code and Section 3 (25) and 5(27) of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 15.08.2021, the present applicant had gone to the shop of the deceased to purchase mobile charger. It is alleged that at that time the applicant was carrying pistol. It is alleged that the deceased had told him to go out of his shop or else he would call the police. It is alleged that the applicant got annoyed with the deceased and shot him dead.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 12th April 2023. By the said order this Court permitted the applicant to withdraw the application for bail with liberty to file fresh application after six months, if the trial is not concluded by that time. This Court directed the trial Court to conclude the trial as early as possible. It is submitted that in spite of the said order, there is no progress in the trial. It is submitted that the incident was not premeditated. It is submitted that the applicant is in jail for about 3 and ½ years and there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the respondent/State submits that the applicant is involved in serious crime. It is submitted that at the time of incident, the applicant was carrying pistol. It is submitted that considering the nature of the offence, the applicant may not be released on bail.

7. In spite of order dated 12.04.2023 passed by this Court directing the trial Court to conclude the trial expeditiously, there is no progress in the trial. In that view of the matter, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 680 of 2021 registered at Wakad Police Station, Pune for the offences punishable under Sections 302 , 504 and 506 of the Indian Penal Code and Section 3 (25) and 5(27) of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police 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 week i.e. on Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not commit any other crime.

E) Liberty is granted to the prosecution to file an application for cancellation of bail, in case the applicant commits the breach of the aforesaid conditions.

[N.R.BORKAR, J.]