

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

CRIMINAL BAIL APPLICATION NO.270 OF 2025

Kishor *alias* Monya Somnath Khandale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ranjeet M. Pawar, Advocate for the Applicant.

Ms. Anuja Gotad, APP for the Respondent - State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 07 FEBRUARY 2025

P. C.:

1. Heard Mr. Pawar, learned Counsel for the Applicant and Ms. Gotad, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1.	C.R. No.	64 of 2023
2.	Date of registration of F.I.R.	29th January 2023
3.	Name of Police Station	Daund, District-Pune
4.	Section/s invoked	302, 397, 120(B), 201, 34 of the <i>Indian Penal Code, 1860</i> .
5.	Date of incident	28th January 2023
6.	Date of arrest	29th January 2023
7.	Date of filing Charge-sheet	27th April 2023

3. As per the prosecution case, on 28th January 2023, the deceased along with his friend Accused No.1-Kishor Khandale (Applicant) went to

meet Vaishali Kokate-sister of the deceased, residing at Kashti, Taluka-Shrigonda, District-Pune for bringing Rs.30,000/-. It is the case of the prosecution that while returning to the residence of the deceased at Khandoba Nagar, Morgaon Road, Taluka-Baramati, District-Pune, Accused No.1-Kishor Khandale (present Applicant), Accused No.2-Shubham Kamble, Accused No.4-Suraj Khandale and the deceased had dinner together on the night of 28th February 2023 at 'Priyanka Bar and Restaurant', Kurkumbh and they all were present there for a considerable duration and thereafter in the morning on 29th January 2023 at about 9.00 am., mortal remains of the deceased were found.

4. Mr. Pawar, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. The only material against the Applicant is 'last seen together' and recovery of Aadhaar Card, ATM Card, Pan Card of the deceased at the instance of the Applicant. He submitted that as far as recovery of two-wheeler is concerned, the same is belonging to the Applicant. He submitted that the Applicant is incarcerated since 29th January 2023 and till date there is no progress in the trial except framing of the charge. He submitted that there are no antecedents.

5. On the other hand Ms. Gotad, learned APP strongly opposed the Bail Application. She submits that there is recovery of cash to the tune of Rs.27,800/-, one motorcycle, Aadhaar Card, ATM Card, Pan Card of

the deceased at the instance of the Applicant. She further submitted that the Applicant and the deceased were seen in the CCTV footage. The CDR also shows the location of the Applicant and the deceased at the same place. She therefore submitted that the Bail Application be rejected. After taking instructions, she submitted that the Applicant has no other antecedents.

6. Perusal of the record shows that the incident in question took place on the intervening night of 28th January 2023 and 29th January 2023. The Applicant was apprehended on 29th January 2023 and the Charge-sheet was filed on 27th April 2023. There are 27 witnesses proposed to be examined by the prosecution. There is no progress in the trial and except the framing of the charge. The trial is likely to take a considerably long time.

7. Speedy trial is one of the facets of right to life and liberty guaranteed under Article 21 of the Constitution of India. Speedy trial is an essential ingredient of “reasonable, fair and just” procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the Accused.¹ Therefore, the Applicant is entitled for bail.

8. Mr. Pawar, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the

¹ Hussainara Khatoon (IV) v. Home Secy, State of Bihar, (1980) 1 SCC 98

Applicant will reside at Pramod Khandale (Cousin Brother of the Applicant), Mhasoba Wadi, Taluka – Indapur, District – Pune - Rural.

9. The Applicant does not appear to be at risk of flight.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:

ORDER

(a) The Applicant- Kishor *alias* Monya Somnath Khandale be released on bail in connection with C.R. No.64 of 2023 registered with the Daund Police Station, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Bhigwan Police Station, District-Pune-Rural on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial. The Police Inspector of Bhigwan Police Station to inform about the same to Investigating Officer.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its own merits uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]