

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.683 OF 2025

Piyush Dinanath Pandey .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Visshaal Khetre, Advocates for Applicant .
 - Mr. Rushikesh M. Pethe, APP for Respondent appearing through Video Conferencing.
 - PSI – P. D. Yerunkar, Shrinagar Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 28, 2025

P.C.:

1. Heard Mr. Khetre, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent appearing through Video Conferencing.

2. Applicant is represented by Mr. Khetre on behalf of a Non-Governmental Organization called ‘Dard Se Hum Dard Tak’ (दर्द से हम दर्द तक) and he is espousing the cause of Applicant.

3. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) seeking Bail in connection with C.R. No.21 of 2021 registered with Shrinagar Police Station for offences punishable under Sections 302, 307, 324, 323, 504 and 34 of the Indian Penal Code, 1860.

4. There are four Accused persons in the present crime. Role

assigned to the Accused persons is made out by the prosecution in the various witness statements, as also statement of the injured – victim which was recorded prior to his demise.

5. Mr. Khetre has placed before me three bail orders passed in Bail Application Nos.3716 of 2021, 3572 of 2022 and 1149 of 2022 in respect of enlarging Accused Nos.1, 3 and 4 on bail. On reading of the said bail orders, it is seen that in so far role attributed to Accused No.3 is concerned, it is same as attributed to present Applicant before me.

6. Present Applicant and Accused No.3 both assaulted the victim with a weapon namely sickle (कोयता). Mr. Khetre would persuade the Court to consider the spot panchnama and would submit that the weapon in question was infact brought by the victim and in the scuffle that ensued between the parties, it was snatched by Applicant and Accused No.3 which led to the alleged incident of injuring the victim.

7. That would be in my opinion a matter for trial. Prima facie, on the ground of long incarceration of Applicant in jail pending trial considering that he is incarcerated in jail for 4 years 2 months and charge not been framed, the ignominy of Applicant suffering further incarceration until the trial commences or for that matter concludes is a distinct impossibility and further considering ground of parity with Accused No.3 having been granted bail by this Court (Coram : Bharati

Dangre, J.) dated 07.09.2022, I am of opinion that Applicant can be released on bail.

8. Hence, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs.10,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.10,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;
- (iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark

his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein

above in this order.

10. Bail Application No.683 of 2025 is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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