

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

CRIMINAL BAIL APPLICATION NO. 1396 OF 2025

Kiran @ Deepak Shivaji Kalamkar ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Mr. Amit Icham, Advocate for the Applicant.

Mr. S. S. Chaudhari, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 07.05.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 445 of 2019 registered at Paud Police Station, Dist- Pune for the offences punishable under Sections 302, 323, 427, 143, 147, 148, 149 and 120-B of the Indian Penal Code, Section 4(27) of the Arms Act and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act.
3. FIR is lodged by Mahesh Satav, distant relative & neighbour of the deceased Pratik Satav. The applicant is accused no. 4. Arrested on 10.10.2019. In 2016, one Ganesh Dehade was murdered and Pratik (deceased) was a witness to the said crime. Therefore, since then there was a rivalry between Pratik and accused no.2 & 3. On 8/10/2019, the informant, deceased & their other friends

had gone to pick up the informant's new car. At about 3.30 p.m, while they were returning in the said car, accused no. 1 blocked the road with his tractor. Thereafter, the applicant & other co-accused approached the informant's vehicle from behind and smashed the window where the deceased was sitting. They dragged the deceased out of the car and assaulted him with sickles. They attempted to assault the informant but he fled the spot. The deceased succumbed to his injuries on the spot.

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 submits that the applicant is in jail for five years and six months and the trial is at the very initial stage. It is submitted that there are no other criminal antecedents against the applicant. The learned counsel for the applicant submits that this Court, by order dated 14.02.2025 in Criminal Bail Application No.1373 of 2024, has released the co-accused Mahesh Gawade on the ground of long incarceration, as the said co-accused was in jail for four years and nine months.

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 deceased was brutally assaulted. The learned APP submits that the trial has commenced and therefore the present application may not be entertained.

7. The fact that the applicant is in jail for five years and

six months is not disputed. It appears that the trial is at the very initial stage. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, 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. 445 of 2019 registered at Paud Police Station, Dist- Pune for the offences punishable under Sections 302, 323, 427, 143, 147, 148, 149 and 120-B of the Indian Penal Code, Section 4(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 twice in a month, i.e., on first & third Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

D] The applicant shall not tamper with the prosecution evidence.

E] The applicant shall not commit any other crime.

8. Application stands disposed of accordingly

(N. R. BORKAR, J.)