



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

CRIMINAL BAIL APPLICATION NO.608 OF 2024

Gahininath Baban Mane ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Sana Raees Khan a/w Mr. Aditya Parmar, Advocate/s, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 11th March 2024

P. C.

1. Heard Ms. Khan, learned Counsel for the Applicant and Mr. Mangaonkar, 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.	588 of 2021
2.	Date of registration of F.I.R.	5th July 2021
3.	Name of Police Station	Yavat, District-Pune
4.	Section/s invoked	302, 292, 109, 212, 143, 149, 504, 506, 120B of <i>I.P.C., 1860</i> ; 4(25) of <i>Indian Arms Act, 1959</i> .
5.	Date of incident	4th July 2021
6.	Date of arrest	5th July 2021
7.	Date of filing of Charge-sheet	22nd October 2021

3. The prosecution case is that on an earlier occasion, the deceased had abused some of the Accused in a vulgar language and therefore, the incident in question took place, in which the Accused have assaulted the deceased with sword and sticks. As per the prosecution case, the role attributed to the present Applicant is that he has assaulted the deceased with a wooden stick.

4. Ms. Khan, learned Counsel for the Applicant submitted that the Applicant is the young person of 20 years age, and that there are no antecedents. The only role attributed to him is that he had assaulted the deceased with a wooden stick. She submitted that the Accused is in custody since more than 2 years and 8 months. She submitted that there is no progress in the trial and even the Charge is also not framed yet. She submitted that two Accused have been already granted bail, one by the learned Trial Court and one by a learned Single Judge of this Court (Coram : Prakash D. Naik, J.) by Order dated 17th October 2022 in Bail Application No.4434 of 2021.

5. On the other hand, Mr. Mangaonkar learned APP vehemently opposed the Bail Application and submitted that the deceased have been mercilessly assaulted by 6 accused persons and 3 to 4 unknown persons. He pointed out the statements of eye-witnesses i.e. Santosh Vitthal Shitkal (page-82), Amol *alias* Bhaiyya Laxman Shitkal (page-84)

and Gulchand Rama Shitkar (page-86). Therefore, he submitted that the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 4th July 2021, F.I.R. was lodged on 5th July 2021 and the Charge-sheet has been filed on 22nd October 2021. The Applicant is in custody for about 2 years and 8 months. Till date, there is no further progress in the trial and even the Charge is also not framed yet. The trial is likely to take a considerably long time. The Applicant is a young person aged 20 years, and there are no antecedents. Accordingly, the Applicant is entitled to be released on bail.

7. Ms. Khan, learned Counsel for the Applicant after taking instructions states that as several witnesses are from Taluka-Daund, the Applicant will not enter Taluka-Daund, District-Pune, and that the Applicant will reside at Shirur-Taluka, District-Pune.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Gahininath Baban Mane be released on bail in connection with C. R. No.588 of 2021 registered

with the Yavat Police Station, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Daund taluka, District-Pune after being released on bail, except for reporting to the Investigating Officer, if called.

(c) 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.

(d) The Applicant shall report to the Shirur Police Station, District - Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Shirur Police Station, District - Pune to communicate details thereof to the Investigating Officer.

(e) 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.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

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

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

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]