



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.939 OF 2024

Lahu Bansi Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Sana Raees Khan a/w Abhijeet Singh, Aditya Parmar & Ruchita Rajpurohit, for the Applicant.

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

Mr. Hasan M. Mulani, P.S.I. Hadapsar Police Station, Pune City, present.

CORAM : MADHAV J. JAMDAR, J.
DATED : MARCH 18, 2024

P. C.

1. Heard Ms. Sana Raees 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. | 1045 of 2020 |
| 2 | Date of registration of F.I.R. | 06/07/2020 |
| 3 | Name of Police Station | Hadapsar, District-Pune |
| 4 | Section/s invoked | 302 & 397 of the I.P.C., 1860; 37(1) r/w 135 of the Maharashtra Police Act, 1951. |
| 5 | Date of incident | 06/07/2020 |
| 6 | Date of arrest | 06/07/2020 |

| | | |
|---|-----------------------------|------------|
| 7 | Date of filing Charge-sheet | 01/10/2020 |
|---|-----------------------------|------------|

3. As per the prosecution case, the deceased was working as a cashier in a company-Ameer Chicken and Eggs Pvt. Ltd.. Ravindra Jagannath Bhosale is the director of the said company. The said director has given Franchise of his company to others and the deceased was doing the work of collecting the cash from each of the shops. On the day of the incident the deceased had collected a cash amount of Rs.4,05,764/- from various shops having Franchise of said company. The Accused made a disclosure statement regarding the crime and the cash amount. In pursuance of disclosure statement made by the Accused, the Investigating Officer recovered the robbed amount of Rs.4,05,900/- at the instance of the Accused under Section 27 of the Indian Evidence Act, 1872. The Police also collected the blood stained clothes of the Accused and also collected the CDR.

4. Ms. Sana Raees Khan, learned Counsel for the Applicant submitted that the Applicant was aged 19 years when the offence took place and he does not have any criminal antecedents. The Applicant is in jail for more than 3 years and 9 months. There is no eye-witnesses to the incident and the entire case is based on circumstantial evidence.

5. Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He submitted that the recovery of the stolen amount is at

the instance of the Applicant and that there is recovery of blood-stained clothes. He submitted that although the case is of circumstantial evidence, the circumstances are very strong.

6. Perusal of the record shows that the incident in question took place on 6th July 2020. F.I.R. was lodged on 6th July 2020 and the Applicant was arrested on the very day i.e. 6th July 2020. The Charge-sheet has been filed on 1st October 2020. Till date, there is no further progress in the trial except the framing of charge. The charge has been framed on 21st November 2023 and there is no further progress in the trial. As per the Charge-sheet there are a total of 46 witness proposed to be examined by the prosecution. Accordingly, the trial is likely to take a considerably long time.

7. *Prima facie* there is substance in the contention raised by the learned APP that although the case is of circumstantial evidence, some of the circumstances are incriminating. However, the Applicant is incarcerated since almost 3 years and 9 months. There is no further progress in the trial except the framing of charge.

8. Ms. Sana Raees Khan, learned Counsel for the Applicant, after taking instructions, states that the Applicant is a resident of District-Beed i.e. R/at: Sale Vadgaon, Shindewadi, Ambora, District-Beed and as most of the witnesses are from District-Pune, the Applicant will not enter the District-Pune.

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

ORDER

- (a) The Applicant - Lahu Bansi Shinde be released on bail in connection with C.R. No.1045 of 2020 registered with the Hadapsar 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 Pune district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (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 Ambhora Police Station, District-Beed 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 Ambhora Police Station, District-Beed 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 witness 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.

13. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]