



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1339 OF 2022
(Arising out of SLP(Criminal) No.2692 of 2022)

KISHOR RAMDAS PANSARE

Appellant(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

ORDER

Leave granted.

The appellant, being an accused in C.R. No.36 of 2018 registered with Police Station Talegaon MIDC, Pune, Maharashtra for offences punishable under Sections 302, 120B, 201, 143, 147, 148 and 149 of the Indian Penal Code, 1860 and Section 4(25) of the Arms Act, 1959 seeks regular bail while questioning the judgment and order dated 17.12.2021 as passed by the High Court of Judicature at Bombay in Bail Application No. 1790 of 2021.

It has, *inter alia*, been argued that in connection with this case, the appellant has suffered incarceration of over four years; the investigation has already been completed; and charge sheet has been filed.

It has further been submitted that though while rejecting bail application, the High Court has referred to the alleged motive behind the offence in the manner that some of the persons of G.T.

Boys Group had killed the brother of the appellant but, the name of the deceased was not involved in assassination of the brother of the appellant and therefore, the theory suggestive of motive is rather baseless. It has yet further been submitted that there had been an alleged independent eye-witness as per the charge-sheet but, he was not called for test identification parade of the accused. The learned counsel for the appellant would argue that in any case, with the trial likely to take time, no useful purpose would be served by further detention of the appellant in custody.

Learned counsel for the respondent has vehemently opposed the plea of bail of the appellant while, *inter alia*, submitting that the weapon of offence has been recovered at the instance of the appellant and that the blood stained clothes were thrown by the appellant in canal water so as to destroy the evidence. It is submitted that the crime has been of serious nature and the appellant had rather played the main role in the matter because his brother was killed by the complainant party. It has further been submitted that one of the accused persons in the trial was still absconding and therefore, in the totality of circumstances, the petitioner does not deserve indulgence.

We are not making any comments on the merits of the case either way but, taking the totality of facts and circumstances into account and more particularly, the fact that the petitioner is in custody since the month of April, 2018 and the trial is to take a long time, we do not find it justified to continue with the detention of the appellant any further for the purpose of facing the trial in this case.

In view of the above, this appeal is allowed; the impugned order dated 17.12.2021 is set aside; and the appellant is ordered to be released on bail on such terms and conditions as may be imposed by the trial court.

.....J.
[DINESH MAHESHWARI]

.....J.
[KRISHNA MURARI]

NEW DELHI;
AUGUST 25, 2022.

ITEM NO.5

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No. 2692/2022

(Arising out of impugned final judgment and order dated 17-12-2021 in BA No. 1790/2021 passed by the High Court Of Judicature At Bombay)

KISHOR RAMDAS PANSARE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(IA No. 41905/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 41906/2022 - EXEMPTION FROM FILING O.T.)

Date : 25-08-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Yatin M. Jagtap, Adv.
Mr. Sunil Kumar Sharma, AOR

For Respondent(s) Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.
Mr. Durgesh Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the Signed order.

The impugned order dated 17.12.2021 is set aside.

The appellant is ordered to be released on bail on such terms and conditions as may be imposed by the trial court.

All pending applications stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR

(Signed order is placed in the file)