

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

BAIL APPLICATION NO.2595 OF 2019

Vishal Madan Gaikwad ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Pradyunna Waghmare for the Applicant.
Mr. Raja Thakare, Spl.P.P. with Mrs. J.S.Lohakare , APP
for the Respondent-State.
PI Nitin Tadakhe attached to Kasturba Marg Police
Station present.

CORAM : SANDEEP K. SHINDE J.
DATE : 28th JANUARY, 2020

P.C. :

Heard.

2 Applicant is seeking his enlargement on bail
in Crime No.20 of 2018 registered with Samata Nagar
Police Station for the offences punishable under
Sections 302, 120B, 216, 210 read with Section 34 of
the Indian Penal Code, 1860 and under Sections 4 & 25
of the Arms Act.

2019.odt

3 I have perused final report. Prima-facie, report does not indicate complicity of the applicant either in hatching conspiracy or in its execution. Role attributed to the present applicant is after the alleged incident, at his instance, his relative Mandakini Kasekar made the arrangements for accused Jagdish and Abhishek in the lodge at Murud.

4 The learned counsel for the applicant has also relied on the orders passed by this Court dated 22nd March, 2019 and 8th January, 2020 passed in Criminal Bail Application Nos.2965 of 2018 and 2513 of 2019 whereby co-accused Sohil Aziz Dodhiya and Dipak Shivaji Hanwate respectively have been released on bail by this Court.

5 Be that as it may, evidence on record, prima-facie indicates that the applicant had harboured Jagdish and Abhishek, alleged assailants and extended facility of their stay in the lodge at Murud through prosecution witness Mandakini Kasekar.

2019.odt

6 Applicant is in custody since 11th January, 2018. Additionally, it is pointed out that the applicant is patient of HIV. In view of the nature of accusations and material place on record, case is made out for releasing the applicant on bail. Hence, the following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No.20 of 2018 registered with Samata Nagar police station, on executing PR Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not enter into jurisdiction of Samata Nagar Police Station and shall not involve in similar type of offences.
- (iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) Unless exempted, the applicant shall not remain absent before the trial Court and shall co-operate the trial court in the decision of the trial.
- (v) Upon failure to attend any two consecutive dates before the trial Court, the bail of the applicant shall automatically stands cancelled.

7 The application is allowed in the above terms.

8 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)