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

***CRIMINAL BAIL APPLICATION NO.3399 OF 2019***

Omkar Shivaji Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prashant M. Patil, for the Applicant.

Ms. S. V. Sonawane, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 19<sup>th</sup> JANUARY, 2021***

**P.C. :**

1 Heard learned counsel for the parties.

2 By this application, the applicant, aged 18 years seeks his enlargement on bail in connection with C.R. No. 463 of 2019 registered with the Baramati City Police Station, Pune (Rural), for the alleged offences punishable under Sections 302, 120B of the Indian Penal Code.

3. Learned Counsel for the applicant submits that a perusal of the statements of the complainant (father of the deceased) and the brother and grandfather of the deceased – Vaishnavi Jadhav, clearly shows that the deceased - Vaishnavi had not disclosed the name of the applicant as being

the assailant. He submits that a perusal of the said statements shows that deceased - Vaishnavi had disclosed to her father, brother and grandfather that Balya Mane (accused No.1) had assaulted her. He submits that there is no material on record to show that the applicant was one of the assailants. He submits that mere recovery of weapons at the instance of the applicant is not sufficient to connect the applicant with the alleged offences. He submits that the applicant had no motive to cause the death of deceased – Vaishnavi. He submits that the applicant is aged 18 years with no antecedents.

4. Learned APP opposed the application.

5. Perused the papers. The complainant is the father of deceased - Vaishnavi Jadhav. According to the complainant, the incident took place on 17<sup>th</sup> June, 2019 at about 8.30 p.m. He has stated that there was a huge crowd that had gathered at Bhigwan Chowk and on learning that one girl was assaulted with koyta, he went towards the spot and saw that his daughter - Vaishnavi was lying in an injured condition. The complainant has stated that when he picked up Vaishnavi, she disclosed that Balya Mane (accused No.1) had assaulted her with koyta. Pursuant thereto, the complainant took her to the hospital. Similar disclosure was made by the

deceased - Vaishnavi to her brother - Aditya Jadhav and grandfather – Uttam Jadhav i.e. that the accused No.1 - Balya Mane had assaulted her with a koyta. From the prosecution case, it appears that accused No.1 - Balya Mane had motive to assault the deceased - Vaishnavi, inasmuch as, the deceased - Vaishnavi had killed accused No.1 - Balya Mane's grandfather, for which she was facing prosecution under Section 302 of the Indian Penal Code. As far as the applicant is concerned, *prima facie*, the only material against him is recovery of weapons. At this stage, in the facts, mere recovery of weapons at the instance of the applicant will not connect him to the alleged crime in the absence of any of the evidence. The applicant, aged 18 years, is in custody since 18<sup>th</sup> June, 2019. Investigation is complete and charge-sheet is filed.

6. Considering the role of the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

**ORDER**

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the

first Sunday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

***REVATI MOHITE DERE, J.***