

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

BAIL APPLICATION NO.1239 OF 2022

1. Suresh Bapu Kapadnis
Age 2 years, Occ: Labour

2. Manoj Gokul Pawar
Age 25 years, Occ: Labour

3. Dondhya @ Sandeep Goma Mali
Age 22 years, Occ: Labour
All R/o Kotbel, Tal.Satana,
Dist: Nashik,
(Presently in Nashik Central Jail) Applicants.

Versus

The State of Maharashtra
Through Jaykheda Police Station,
Tal.Satana, Dist: Nashik ... Respondents.

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Mr Mahendra Sandhyanshiv for the Applicant.

Mr M.G.Patil, APP for the Respondent-State.

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CORAM : R. N. LADDHA, J.

DATE : 23 DECEMBER 2022

P.C.:

Heard Mr Mahendra Sandhyanshiv learned Counsel appearing on behalf of the Applicants and Mr M.G.Patil, learned Additional Public Prosecutor for the Respondent-State.

2. By this application, the Applicant is seeking bail in connection with C.R.No.I-550 of 2021 registered at Jaykheda Police Station, Nashik, for the offences punishable under Sections 302, 396, 120-B of the Indian Penal Code.

3. Mr Sandhyanshiv, learned Counsel appearing on behalf of the Applicants, submitted that the investigation is completed, and the charge sheet has been filed. It is submitted that the Applicants were arrested on 1.10.2021, and since then, they have been behind bars. It is submitted that the Sessions Court rejected the application for bail filed by the Applicants. It is submitted that at the relevant time, the Applicants were not present at the spot and have not committed any offence. It is submitted that the Applicants have no criminal antecedents and there is no flight risk as the Applicants undertake to face trial.

4. Mr M.G.Patil, learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the Applicants. The offence is serious.

It is submitted that the Applicants were actively involved in the offence that led to the registration of the FIR against them. It is submitted that the Applicants were in constant touch with the co-accused on mobile phones.

5. This Court has perused the Application, a copy of the charge sheet and the documents placed on record. The role attributed to the Applicants is that they gave tip to the co-accused that the victim has sold his land for a consideration of Rs.50,00,000/- and the said amount is lying in his house and also showed the house of the victim. On the basis of this information, other co-accused persons had committed the crime. Admittedly, at the time of the commission of the crime, the Applicants were not present on the spot. The investigation has been completed, and the charge sheet has also been filed before the learned trial Court. Though the charge sheet was filed on 16.12.2021, the trial is not yet commenced. The Applicants have been languishing in jail for more than a year.

6. In light of the above, this Court is inclined to grant bail to the Applicants. Accordingly, the Application is allowed in the following terms :

ORDER

- a) The Applicants shall be released on bail in

C.R.No.I-550 of 2021, registered at Jaykheda Police Station, Nashik, on furnishing a P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount to the satisfaction of the concerned Court.

b) The Applicants shall not, themselves or through any other person, indulge in any activity that would tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

c) The Applicants shall furnish the permanent address and contact details to the Inspector of Jaykheda Police Station and intimate the change, if any.

d) The Applicant shall regularly attend the proceedings before the trial Court.

7. Needless to say, violation of any of the aforesaid conditions will make the Applicant liable for cancellation of bail.

8. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]