

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

BAIL APPLICATION NO. 3603 OF 2021

Aniket @ Tevlya Gorakh Jadhav	...	Applicant
<i>Versus</i>		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi i/by Mr. Nitesh J. Mohite for the Applicant.
Ms. M. R. Tidke, APP for the State.

**CORAM : VINAY JOSHI, J.
DATE : 29th APRIL, 2022**

P.C. :-

. The applicant seeks regular bail in Crime No. 8 of 2019 registered with Haveli Police Station, Dist. Pune for the offence punishable under Sections 302, 201 and 120B of the Indian Penal Code.

2. It is contended that the applicant's name was not mentioned in FIR. Though, in T. I. Parade applicant was identified by two witnesses, however, T. I. Parade itself is defective. There is no seizure at the instance of applicant. The State resisted bail by stating that there are three eye-witnesses to the incident. The applicant was identified by two witnesses. The offence is of serious nature.

3. Concerned incident took place on 7th January, 2019 around 10:00 p.m. at the outskirts of the city. It is prosecution case that applicant along with two co-accused accosted deceased Rahul and assaulted him by means of deadly weapon. There are three eye-witnesses to the

occurrence. Perusal of statement of eye-witnesses discloses that though they have seen assailants, however, they have identified other two co-accused. It is stated that one unknown person was accompanied with assailant at the time of occurrence. Precisely, it is the prosecution case that the applicant is said unknown person. During the process of investigation, Police have conducted prior T. I. Parade on 13th November, 2019. It is argued that though applicant was arrested on 22nd September, 2019, there was inordinate delay in holding prior T. I. Parade. It reveals from T. I. Parade punchnama that two witnesses namely Mahesh Parge and Mahesh Bhilare have identified the applicant. It is argued that identifying witness Mahesh Parge was well acquainted with applicant being classmates. In support of said contention, copy of school attendance register, screenshot of Facebook, WhatsApp exchanged messages have been produced.

4. It is to be noted that the incident took place in late night, at the outskirts of the city. Two witnesses have stated that they have seen assailants in the light of another vehicle. T. I. Parade is held almost after 1½ month. There is no recovery at the instance of applicant. Having regard to all above facts, the applicant can be released on bail by putting him on certain conditions. In view of that following order :-

ORDER

- (a) Application stands allowed.
- (b) The applicant namely Aniket @ Tevlya Gorakh Jadhav be released on bail in connection with Crime No.8 of 2019 registered with Haveli Police Station, Dist. Pune for the offence punishable under Sections 302, 201 and 120B of the Indian Penal Code, on his furnishing P.R. Bond of

Rs.25,000/- with one or two sureties in the like amount.

- (c) The applicant shall not enter within the territorial jurisdiction of Taluka Haveli, Dist. Pune till conclusion of trial.
- (d) The applicant shall provide his cell number and residential address to the concerned Investigating Officer where they intend to reside, within one week from their release.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (f) Breach of either of conditions would give rise to seek for cancellation.
- (g) The above observations are made on *prima-facie* basis, which has no impact on the merits of trial.
- (h) Application stands disposed in above terms.

[VINAY JOSHI, J.]

BIPIN
DHARMENDER
PRITHIANI

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