

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2936 OF 2022**

Pradeep S/O Sunil Mundhe and ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Aniket Nikam i/b Amit Icham for the Applicant.
Mr. V. B. Konde-Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 NOVEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 774 of 2021 registered at Mohol police station for the offence punishable under Sections 307, 364, 323, 504, 506 read with 34 of Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP respondent-State and perused the First Information Report.

4. Perusal of the FIR reveals that one Madhav Digambar Sanap,

who was the friend of the complainant Yuvraj Sarwale, was found in dead condition in suspicious circumstances. According to the complainant on the day of incident, which took place on 28.08.2022, the present applicants, who hails from the village of said Madhav Sanap, abducted him and tried to kill him, suspecting his involvement in death of said Madhav Sanap.

5. The learned counsel for the applicant submits that the police has registered the offence of murder in relation to death of said Madhav Sanap. It is submitted that as the present applicants suspected the involvement of the complainant in alleged murder of Madhav Sanap to save himself he lodged the false complaint against the applicants. It is submitted that initially the offence punishable under Section 307 of the IPC was not invoked and the said offence came to be invoked after the arrest of the applicants just to implicate the applicants in more serious offence. It is submitted that considering the facts and circumstances applicants may be released on bail.

6. On the other hand the learned APP submits that applicants are involved in serious offence of abduction and attempt to murder. It is submitted that there are other criminal cases pending against the present applicants.

7. Prima facie there appears to be merit in the submission of the learned counsel for the applicants. The applicants are in jail for more than two months. I am therefore inclined to release them on bail. Hence, following order is passed:

- (i) Application is allowed.
- (ii) The applicants be released on bail in Crime No. 774 of 2021 registered at Mohol police station for the offence punishable under Sections 307, 364, 323, 504, 506 read with 34 of Indian Penal Code on furnishing P.R. bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

8. The applicants shall not enter without permission of trial Court within jurisdiction of Pimpaldari police station till conclusion of trial.

9. The applicants shall not indulge in any other criminal activity.

10. The State is at liberty to move an application for cancellation of bail, if conditions are breached.

11. Application is disposed of.

(N.R. BORKAR, J.)