



Diksha Rane

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

BAIL APPLICATION NO.431/2023

DEEPAK VITHAL JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Laxman K. Kalel for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 13, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 307, 323, 324, 326, 143, 147, 148, 149, 506 of the Indian Penal Code (hereafter 'IPC' for short) registered on 17/3/2021 vide C.R. No.75/2021 with Dahiwadi Police Station.
- 3.** There is some property dispute between the accused and the complainant. Parties are related to each other. Prior to the incident in question, the applicant's uncle Chandrakant had threatened and assaulted one of the

relative from the complainant's side. The complainant and other close family members were annoyed with what Chandrakant had done and therefore, Vilas Dhondiba Jadhav with an axe in his hand, his son Vishal Vilas Jadhav with an iron rod and others armed with bamboo sticks went to the house of Chandrakant. Chandrakant is the uncle of the present applicant. The applicant is the accused no.2. The complainant's party after going to the house of Chandrakant confronted him. The applicant and others were present. There was a fight which resulted in Vilas Jadhav from the complainant's side assaulting Chandrakant with an axe. Chandrakant died. It is alleged that the applicant who is the nephew of Chandrakant and others assaulted Vilas Jadhav. The accused assaulted Vilas Jadhav. It is alleged that applicant assaulted Vilas Jadhav with a knife on his back and ribs.

4. *Prima facie*, it appears that the complainant's side was the aggressors who went to the house of the applicant armed with deadly weapons. The applicant's uncle was killed first in point of time. There are cross cases filed.

5. The applicant is in custody for more than one and a

half years with no possibility of the trial concluding any time soon. In the facts and circumstances of the present case, though the application is vehemently opposed by learned APP, I am inclined to enlarge the applicant on bail. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Deepak Vithal Jadhav in connection with C.R. No. 75/2021 registered with Dahiwadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant be released on provisional cash bail of Rs.25,000/- for a period of six weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Dahiwadi police station twice in a month on every first and third Saturday initially for a period of three months and thereafter once every 1st Saturday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) Except for attending the investigating officer, the applicant till further orders of the trial Court shall not enter the jurisdiction of the Dahiwadi police Station.

6. The application is disposed of.

(M. S. KARNIK, J.)