



Diksha Rane

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

BAIL APPLICATION NO.443/2023

AKASH @ AKSHAY @ ROCKY

S/O. ASHOK BHALEKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Maya Shyam Updeshe for the applicant.

Ms. Rutuja Ambekar, APP for the State.

Akshay Mahadev Kamble - 673, Tembhurni Police Station,
Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 19, 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, 201, 120-B read with Section 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 25 of the Indian Arms Act registered on 31/1/2021 vide C.R. No.50/2021 with Tembhurni Police Station, Solapur Rural.
- 3.** There are in all six accused. The applicant is the

accused no.6. The accusation is that six accused have killed the mother of Komal. Komal is the daughter-in-law of the accused no.1 Aagatrao Kale. The applicant is alleged to be a friend of Guddi, who is the daughter of the accused no.1- Aagatrao Kale. It is alleged that the son of accused no.1 died in an accident. The family suspected that the deceased (Komal's mother) had performed black magic on their son i.e. Komal's husband as a result of which he fell ill and died. The accused, therefore, called the deceased to their village. It is alleged that the accused killed the deceased. There is a 'koyta' recovered at the instance of the co-accused. It is alleged that Komal had seen the accused with blood stained clothes which were destroyed by the accused by setting them on fire.

4. Learned APP submitted that there is a evidence of last seen together as present applicant was seen with Guddi, another co-accused, in the company of the deceased.

5. The case rests on circumstantial evidence. The only material is last seen against the applicant. The applicant is in custody for more than thirty-two months with no possibility of the trial concluding any time soon. 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- Akash @ Akshay @ Rocky s/o. Ashok Bhalekar in connection with C.R. No.50/2021 registered with Tembhurni Police Station, Solapur Rural, 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Tembhurni Police Station, Solapur Rural once in a month every first Monday 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) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)