



PMB

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

BAIL APPLICATION NO.3123 OF 2023

NILESH DNYANDEV JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vaibhav R. Gaikwad a/w Adv. Atharva R. B. for the
applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 6, 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, 326, 143, 147, 148,
149, 504 and 506 of the Indian Penal Code (hereafter 'IPC'
for short) registered on 15.08.2015 vide FIR No.61 of 2015
with Pusegaon Police Station.

3. The date of the incident is 15.08.2015 at around 1.30
to 1.45 p.m. There are in all thirteen accused. The applicant
is the accused No.5. So far as the role of the applicant is
concerned, it is mentioned that he held the hands of the
victim. The assault was by the co-accused with deadly

weapons. The applicant was arrested on 20.08.2015 and is now in custody for a period of more than eight years. Though the trial has commenced the same is likely to take a long time to conclude. It is informed that upto now 2 witnesses have been examined. In all the prosecution proposes to examine 48 witnesses.

4. The application is opposed by learned APP contending that the accusations are serious and that the murder is committed in a brutal manner. Learned APP submitted that it is not as if all the witnesses have been examined.

5. Nonetheless considering the nature of the accusations and the materials on record it is obvious that the trial is likely to take a long time to conclude. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail on the ground of long incarceration by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Nilesh Dnyandev Jadhav in connection with FIR No.61 of 2015 registered with

Pusegaon 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 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 Pusegaon Police Station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.

(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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the area of Taluka Khatav after being released on bail, till the trial concludes.

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

(i) The applicant shall not leave Satara district without permission of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)