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

BAIL APPLICATION NO.4136 OF 2023

ASHOK MAHIPATI JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vaibhav Gaikwad for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 22, 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, 506 of the Indian Penal Code (hereafter 'IPC' for short) registered on 15.08.2015 vide FIR bearing C.R. No.61 of 2015 with Pusegaon Police Station.

3. The date of the incident is 15.08.2015. There are in all 13 accused. The applicant is the accused No.12. The applicant was arrested on 16.08.2015. The applicant was armed with an axe. According to learned counsel for the applicant the applicant is not the main assailant.

4. Learned APP opposed the application for bail. Learned APP submitted that even the eye witnesses have specifically stated that they were assaulted by the applicant as well. These are matters which obviously will be gone into by the trial Court. Learned APP submitted that the trial has commenced and therefore this application should not be entertained.

5. I am informed that 2 witnesses have been examined. The prosecution proposes to examine 48 more witnesses. Learned APP submitted that it is not as if all the witnesses will be examined. The trial is not likely to conclude any time soon. The applicant is in custody for more than eight years and four months. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Considering the long incarceration of the applicant I am inclined to enlarge the applicant on bail though learned APP opposed the application for bail. Hence, the following order :-

ORDER

- (a) The application is allowed.

(b) The applicant-Ashok Mahipati Jadhav in connection with FIR bearing C.R. 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 at the police station nearest to his residence while residing outside Khatav taluka once in a month every first Monday 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.)