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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.15 OF 2023**

Vikas G. Jadhav  
V/s.

...Applicant

The State of Maharashtra

...Respondent.

Mr. Ritesh Thobde for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State

**CORAM : N.R. BORKAR, J.**  
**DATE : 18.01.2023.**

**P.C. :**

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.1016 of 2018 registered at Indapur Police Station, Pune for the offences punishable under Sections 302, 307, 120B, 341, 143, 147, 148, 149, 506 of the Indian Penal Code and Section 4(25) of Arms Act.
3. According to the prosecution, on 9.12.2018, the present applicant along with other co-accused assaulted the deceased by axe, koyta etc. and committed his murder, on account of previous enmity.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that the prosecution has filed the charge-sheet against other co-accused. It is submitted that the only material against the present applicant is the statement of co-accused. It is submitted that the alleged eye-witness have not attributed any *overt-act* to the present applicant. It is submitted that nothing is to be recovered at the instance of applicant and therefore, the custodial interrogation of the present applicant is not necessary. It is submitted that the applicant may therefore, be released on anticipatory bail.

6. On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the charge-sheet and more particularly, statement of eye-witness Javed Shaikh. According to him, the accused Sumeet Jamdar, Rahul Jamdar, Balu Bansude, Nilesh Bansude and two other unknown persons assaulted the deceased. The co-accused Rahul Jamdar in his memorandum statement dated 23.12.2018 stated that the present applicant was with them at the time of alleged assault. According to the prosecution the present applicant was one of the unknown persons referred to by the eye-witness. It appears that the applicant was absconding as he has filed the application after about four years of alleged crime. I am, therefore, not inclined to release the applicant on anticipatory bail. The Anticipatory Bail Application is rejected.

**[N.R.BORKAR, J.]**