



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

BAIL APPLICATION NO. 249 OF 2023

Pradeep Ramesh Rathod

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Nitesh J. Mohite, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 28, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP
- 2.** This is an application for bail in respect of C.R.No. 76 of 2021 dated 06/02/2021 registered with Bharti Vidyapith Police Station for the offence punishable under sections 302 and 201 read with 34 of the Indian Penal Code, 1860.
- 3.** It is alleged that the applicant committed the offence of murder of deceased Ajit Singh. There are 2 accused. The applicant is accused no.1. Accused no. 2 has been enlarged on bail. The applicant of course cannot claim parity since accusations against the accused no.1 are not at par with that of the accused no.2. The

applicant was arrested on 06/02/2021 and is now in custody for almost 30 months. The trial is yet to commence and conclusion thereof will take a long time. The investigation is complete. The charge-sheet has been filed. The matter is entirely based on circumstantial evidence.

4. Learned APP relied on the statement of the witnesses who stated that the deceased was last seen with the applicant. There is one sattoor which is recovered from the house of the applicant. However, the same is not blood stained. Considering the materials against the applicant which is mainly in the nature of last seen and the fact that the applicant is in custody for more than 30 months awaiting trial with no possibility of it concluding soon, the applicant can be enlarged on bail. There are no antecedents reported against the applicant. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant –Pradeep Ramesh Rathod in connection with C.R. No. 76 of 2021 registered with Bharti Vidyapith Police Station shall be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the investigating officer of the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

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

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change.

5. The application is disposed of.

(M. S. KARNIK, J.)