



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

BAIL APPLICATION NO.395 OF 2023

VILAS CHIMNA KOHAKIRE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Chetan H. Deshmukh for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 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 Section 302 of the Indian Penal Code (hereafter 'IPC' for short) registered on 11.05.2022 vide C.R. No.73 of 2022 with Peth Police Station, Nashik.

3. The applicant was arrested on 12.05.2022. It is the accusation that the applicant and the deceased were partners in business. The prosecution alleges that it is the applicant who committed the murder of the deceased with a stone.

4. Learned APP relied upon the CDR which are placed on record.

5. The materials on record against the applicant are in the nature of two statements of witnesses for establishing the theory of last seen together. It is the contention that the applicant and the deceased were seen together since morning. One of the witnesses (at page 16 of the paper book) has stated that the applicant and the victim were drinking liquor the night before the body of the victim was found. So far as the statement of the wife of the deceased is concerned, she has stated that the applicant and the deceased left together in the morning. Prima facie, there is nothing on record to indicate that there was any enmity between the applicant and the deceased. The only circumstance against the applicant is the last seen theory and that too it does not appear to be in close proximity. The trial has commenced and two witnesses have been examined. The case is based entirely on circumstantial evidence. Considering the nature of materials, the applicant can be enlarged on bail. There are no criminal antecedents

reported against the applicant. The trial may take some time to conclude. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vilas Chimna Kohakire in connection with C.R. No.73 of 2022 registered with Peth Police Station, Nashik 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 shall attend the Investigating Officer of Peth Police Station, Nashik once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not reside or enter within the area of Nashik district till the trial is over except for the purpose of attending the trial and reporting to the the Investigating Officer.
- (e) The applicant shall not threaten or contact the complainant, witnesses or any person concerned with the case.
- (f) 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.

(g) 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.

(h) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)