



Darshan Patil

24-BA-516-23.odt

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

BAIL APPLICATION NO. 516 OF 2023

1] ROSHAN SUBHASH KOTKAR
2] MAHESH BHAGWAN LABHADE ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. ST Pandey a/w Arvind Singh a/w Nagesh Avhad a/w
Kajal Upadhyay a/w Anima Mishra a/w Ritu Singh a/w Anuj
Singh i/b SBG Law for the Applicants.

Mr. P. H. Gaikwad, APP for the State.

PSI S.C. Barela, Indiranagar Police Station, Nashik City.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 04, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code registered vide C.R. No.306 of 2020 dated 12/11/2020 with Indira Nagar Police Station, District Nashik.
3. The date of the alleged incident is 12/11/2020. The

applicants were arrested on the same date. There are 2 accused. Both the accused have applied for bail. Accused No.1 was working in the garage of which the deceased was the owner. On the issue of payment of dues, accused No.1 had a grudge against the deceased and according to learned APP there is material on record which indicates that accused No.1 threatened the deceased. It is alleged that the applicants assaulted the deceased with a spade and an iron rod which were recovered at the instance of the applicant No.1. The motive or enmity, if any, is alleged against applicant No.1.

4. Learned APP opposes the application and states that the trial has commenced and 6 witnesses have been examined. Only 6 to 7 witnesses remain to be examined. She submits that the trial is likely to conclude soon.

5. The investigation is complete. The charge-sheet has been filed. So far as applicant No.2 is concerned, there is no recovery at the instance of applicant No.2. There are no criminal antecedents reported against him. The case is based on circumstantial evidence against applicant No.2.

There is nothing on record to show that the applicant No.2 will not make himself available for the trial. Applicant No.2 does not appear to be a flight risk. Applicant No.2 is in custody for almost for a period of 2 years and 9 months and can be enlarged on bail by imposing certain conditions. Hence, the following order :-

ORDER

- (a) The application is partly allowed.
- (b) The applicant No.2- Mahesh Bhagwan Labhade in connection with C.R. No. 306 of 2020 registered with Indira Nagar 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 No.2 shall attend the Investigating Officer of the Indira Nagar police station, once in fifteen days every alternate Monday of the month, between 11.00 a.m. and 1.00 p.m.
- (d) The applicant No.2 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 No.2 shall not tamper with evidence.

(e) On being released on bail, the applicant No.2 shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant No.2 shall attend the trial regularly.

(g) The prosecution is at liberty to move an application for cancellation of bail, if any of the conditions are breached.

6. Learned counsel for the applicants, on instructions, seeks leave to withdraw the present application on behalf of applicant No.1- Roshan Subhash Kotkar.

7. Leave granted. The application is allowed to be withdrawn in respect of applicant No.1- Roshan Subhash Kotkar with liberty to apply after 6 months if the trial does not conclude.

8. The application is disposed of in the above terms.

(M. S. KARNIK, J.)