



Diksha Rane

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

BAIL APPLICATION NO.575/2023

SANDIP NAMDEV GAIKWAD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Nikam i/b. Adv. Amit Icham for the applicant.

Ms. Veera Shinde, APP for the State.

HC 709 Raosaheb Kolekar, Mangaon Police Station, District Raigad.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 4, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** The application is opposed by learned APP for the State.
- 3.** This is an application for bail in respect of the offence punishable under Sections 302, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 26/2/2022 vide C.R. No.43/2022 with Mangaon Police Station, District Raigad.
- 4.** There are in all three accused. The applicant is the

accused no.1. It is the case of the prosecution that the applicant was in illicit relationship with the accused no.2 who was the wife of the deceased. The accused no.2 has been released on bail. The date of the incident is 24/2/2022, at about 5.00 a.m.. It is alleged that the accused are responsible for murdering the deceased. The case rests on circumstantial evidence.

5. Learned APP submitted that there is recovery of clothes at the instance of the present applicant which are blood stained. Apart from that there is a statement of one the witnesses at page 188 of the paper-book where he states that on the date of the incident, at about 1.30 a.m., he saw the applicant and the co-accused together near the spot of the incident. The statement is recorded almost after one month from the date of the incident. Learned APP then relied upon the statement of one of the witnesses who states that there were frequent quarrels between the applicant and the co-accused no.2 on one side and that the deceased on the other and at times the applicant and the co-accused no.2 assaulted the deceased.

6. The case rests on circumstantial evidence. The

applicant was arrested on 26/2/2022 and now is in custody for more than one year and nine months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. In the facts and circumstances of the case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sandip Namdev Gaikwad in connection with C.R. No.43/2022 registered with Mangaon Police Station, District Raigad, 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 Mangaon Police Station, District Raigad, once in three months on the 1st Saturday between 11.00 a.m. and 1.00 p.m. till further orders commencing from January, 2024.
- (d) 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.
- (e) 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.
- (f) The applicant shall attend the trial regularly. The

applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)