

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

BAIL APPLICATION NO.1445 OF 2022

Pradyum Kailash Yadhav ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Vinod Kashid i/b. Mr. Sumit Bhoite for the Applicant.
Mr. S. V. Gavand, APP for the State.
Mr. Patil, PSI, RCF Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 24, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant-Pradyum Kailash Yadhav in connection with C.R. No.152 of 2020 dated 05/05/2020 registered with RCF Police Station for the offence punishable under Sections 302, 307, 326, 143, 144, 147, 148, 149, 506(2) of the Indian Penal Code, 1860 and under Sections 4 and 27 of Arms Act and under Sections 37(1) and 135 of Maharashtra Police Act.
- 3.** The investigation is complete and the charge-sheet

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has been filed against the accused persons. Nine accused have been released on bail. It is alleged that the accused are responsible for committing the murder of one Prashant Shankar Panvalkar. The main assailant is Ashish Yadav who assaulted the deceased on his head with the wooden bat. Though, the applicant is alleged to be armed with the sword, there are no injuries corresponding to the weapon that the applicant was armed with on the person of the deceased-Prashant. My attention is invited to the post mortem notes and inquest panchanama to substantiate this fact. So far as the injured witness is concerned, the role of the applicant is similar to that of one Atul Gupta who was armed with a sickle. In the order dated 06/09/2022 though it is recorded that the applicant-Atul Kumar Dilip Kumar Gupta was armed with an iron rod, the statements of the witnesses revealed that the accused-Atul Gupta was armed with Koyta who had assaulted one of the witnesses who suffered injuries. The role of the Atul Gupta who has been released on bail is similar to that of the present applicant. The allegation against the applicant is that he assaulted the

witness who sustained injuries as a result of the assault by the applicant. The materials on record prima facie do not disclose that the applicant has assaulted the deceased. The applicant is in custody since 05/05/2020 for more than 2 years and 8 months. With the possibility of the trial concluding any time soon appearing to be distant, the applicant can be released on bail. The applicant at the relevant time was 19 years of age.

4. Considering the nature of the accusations and upon reading of the FIR though I am inclined to grant bail, I propose to impose stringent conditions.

5. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) Applicant-Pradyum Kailash Yadhav shall be released on bail in connection with C.R. No.152 of 2020 registered with RCF Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) 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.

(d) The applicant shall attend 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.

(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) Till the trial is over the applicant shall reside outside the jurisdiction of the Mumbai and Mumbai Suburban district.

(g) The applicant shall not enter Mumbai and Mumbai Suburban district except for attending the trial and for the purpose of reporting to the Investigating Officer after being released on bail.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)