



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

BAIL APPLICATION NO. 1251 OF 2023

ANIKET RAHUL GAIKWAD	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Sachin Deokar for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 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 Sections 302, 452, 143, 147, 148, 149 of the Indian Penal Code registered on 03/05/2019 vide C.R. No.432 of 2019 with Lonikand Police Station.
- 3.** The date of the incident is 03/05/2019. The applicant was arrested on 05/05/2019. There are in all 5 accused. The applicant is accused No.1. Accused Nos. 2, 3 and 5 are enlarged on bail. The applicant was residing with accused

No.5 who is his aunt. The deceased was the father of the informant. The prosecution's case is that accused No.5 had taken handloan from the deceased. Accused No. 5 was not returning the handloan and the deceased was insisting that the loan amount be repaid. Accused No.5, therefore, decided to eliminate the deceased. Accused No. 5, therefore, sought the help of Accused Nos. 1 to 4. Accused Nos. 1 to 4 were seen near the spot of the incident by the son, the informant herein, of the deceased.

4. It is alleged by the prosecution that accused Nos. 1 to 4 entered the house of the deceased at the behest of accused No.5 with sharp-edged weapons and murdered the deceased. The material is in the form of blood-stained clothes and a mobile phone belonging to the deceased was recovered at the instance of the present applicant. Learned APP further submitted that though the case is based on circumstantial evidence, the circumstances are strong enough to establish the complicity of the present applicant in the crime in question.

5. The applicant is in custody for more than 4 years and

7 months. I am informed that even the charge has not been framed. There are no criminal antecedents reported to his discredit. The trial is likely to take a long time to conclude. The investigation is complete and the charge sheet is filed. As the case is based on circumstantial evidence and as the applicant does not appear to be a flight risk, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Aniket Rahul Gaikwad in connection with C.R. No. 432 of 2019 registered with Lonikand 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 shall attend the Investigating Officer of Lonikand police station once in a month, first Monday of every month, 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 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) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter into the jurisdiction of Lonikand police station after being released on bail, till further orders of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)