



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

BAIL APPLICATION NO. 1141 OF 2023

PAVAN POPAT AAHER

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Jasmin Purani a/w Mr. Rahul Agarwal, Mr. Sajid Sayyed
i/b Mr. Rahul Agarwal, for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 4, 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, 307, 120B, 212, 201 read with 34 of the Indian Penal Code, 1860 and under sections 3/25 and 5/27 of the Arms Act registered on 06/07/2022 vide C.R. No.198 of 2022 with Yeola police station, Nashik Rural
3. The date of the incident is 05/07/2022. The applicant is the accused no.2. In all there are 8 accused. Briefly stated it the case of the prosecution that the accused no. 4

was aggrieved with some property dispute which he had with the deceased- Khwaja Sayyad Jarif Chisti who was a sufi saint. It is the case of the prosecution that the accused no. 4 hired the service of accused no.5 to kill the deceased. So far as the applicant is concerned who is accused no.2, it is the accusation that he was the part of the conspiracy and in his village the said incident happened. He was the one who provided the logistic support is the accusation.

4. Learned APP opposed the application and submitted that the applicant was continuously following the happening and even CDR call details will indicate that the applicant was very much in touch with one of the co-accused Ganesh-accused no.3 throughout. The vehicle in which the deceased was travelling was being followed by the present applicant.

5. On the pretext of performing pooja ceremony in respect of the plot of land, accused no. 4, the deceased and other accused travelled in a car. The accusation is that the accused no. 4 wanted to grab the property of the deceased and hence the conspiracy to murder him. When the car was parked at a particular spot, the accused no. 5 fired at the

deceased at a point blank range. The Khwaja Sayyad Jarif Chisti died. The informant is the eye witness to the incident. As per the informant, the present applicant had got down from the vehicle prior to the happening of the actual incident. Sometime before the incident, the applicant who had organized lunch. Learned APP submitted that even post the incident, the applicant was in the company of the accused. Learned APP therefore submitted that involvement of the applicant is very much evident from the materials on record specially CDR call details and as can be gathered from the statement of the informant.

6. The applicant was arrested on 14/07/2022 and in custody since then. Factually, the applicant was not present when the actual assault took place. The accusation is that the applicant conspired with other accused. 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 present case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Pavan Popat Aaher in connection with C.R. No. 198 of 2022 registered with Yeola police station, Nashik Rural 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 Yeola police station once in a month every first Monday of the month between 11.00 a.m. and 12.00 noon.

(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.

7. The application is disposed of.

(M. S. KARNIK, J.)