



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

BAIL APPLICATION NO.1372 OF 2023

ANIKET @ DULYA RAJENDRA GAIKWAD ..APPLICANT
VS.

THE SENIOR INSPECTOR OF POLICE
& ANR. ..RESPONDENTS

Adv. Sandeep Bali for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 1, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** Learned APP for the State opposed the present application for bail.
- 3.** This is an application for bail in respect of the offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 18/6/2020 vide C.R. No.308/2020 with Bhosari Police Station, Pune.
- 4.** It is alleged that there are in all three accused. The applicant is accused no.2. The other two accused have been

enlarged on bail. It is alleged that three accused were last seen in the company of the deceased near the wine shop. It is further accusation that the three accused and the deceased drank liquor. The dead body of the victim was found under a bridge. The motive alleged against the present applicant is that the deceased had taken his mobile phone which he was not returning. The co-accused who were present along with the deceased and the applicant are enlarged on bail. The cause of death is by strangulation. A nylon rope is recovered at the instance of the present applicant.

5. The case is based on circumstantial evidence and last seen theory. The co-accused have been enlarged on bail. The applicant is in custody for more than three years and two 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. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Aniket @ Dulya Rajendra Gaikwad in connection with C.R. No.308/2020 with Bhosari Police Station, Pune, 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 Bhosari police station once in a month every first Monday of the 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.

6. The application is disposed of.

(M. S. KARNIK, J.)