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

BAIL APPLICATION NO.1392 OF 2023

DILIP BALASAHEB JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ganesh Bhujbal for the applicant.

Ms. Veera Shinde, APP for the State.

PC-S.A. Nikam and PC-Sachin Abasaheb Nikam, Bhigwan
Police Station, Pune.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 25, 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, 201 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.187 of 2018 with Bhigwan Police Station, Pune.
3. The FIR was registered on 11.09.2018. The applicant is the accused No.2. The applicant was arrested on 11.09.2018 and he is in custody almost for a period of five

years. The trial is likely to take a long time to conclude. The applicant is seeking bail on the ground of parity as the co-accused Nos.1 and 3 are released on bail. There is no recovery from the applicant. The recovery was from the other co-accused who have been released on bail. The accused No.1-Gopal Waman Jadhav and accused No.3-Rahul @ Bhawadya Machindra Jadhav are released by this Court in Bail Application No.51 of 2020 and Bail Application No.4191 of 2021. Considering that the co-accused have been released on bail and the long incarceration of the applicant, the applicant can be released on bail. There are criminal antecedents recorded against the applicant of the year 2014, 2015 and 2018. Considering the long incarceration, in my opinion, the criminal antecedents should not come in the way of the applicant in grant of bail to the applicant.

4. Learned APP while opposing the application submitted that one of the co-accused Rahul @ Bhawadya Machindra Jadhav has again been arrested for the offence punishable under Section 307 of the IPC. He submitted that the

applicant is a history sheeter and a habitual offender. The investigation is complete. The charge-sheet has been filed. Considering the nature of the antecedents, in my opinion, the applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Dilip Balasaheb Jadhav in connection with C.R. No.187 of 2018 registered with Bhigwan 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 Bhigwan Police Station twice a month i.e. on 1st and 3rd Monday of every month between 11.00 am and 1.00 pm.
- (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 attending the trial and reporting to the Investigating Officer the applicant shall not enter the area of Pune district till the conclusion of the trial.

5. The application is disposed of.

(M. S. KARNIK, J.)