

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2023.09.02
14:08:26 +0530

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

BAIL APPLICATION NO. 1433 OF 2023

NAGESH BAPU GAIKWAD

.. APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Harshad Sathe a/w Mr. Sanket Thange i/b Mr.Saurabh Batala, for the Applicant

Mr. Nagesh Khedkar, for Intervener.

Mr. N.B. Patil, APP for the State.

Mr. Pravin Vasant Abhang, Police Constable Indapur Police Station present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 1, 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, 109, 143, 147, 148, 149, 212, 120(B) of the Indian Penal Code (hereafter 'IPC' for short) and sections 4 & 25 of the Arms Act registered vide C.R. No. 97 of 2015 with Indapur Police Station. The FIR is dated 24/03/2015. The applicant was arrested on 26/03/2015.

3. The applicant is the accused no.3. In all there are 8 accused. The applicant is incarcerated pre-trial since 26/03/2015 almost for a period of 8 ½ years. On this ground itself and on the ground of parity with other co-accused- Deepak Abhiman Salunkhe who is enlarged on bail by order of this Court dated 19/08/2023 in Bail Application No. 1435 of 2023 as well as that of co-accused Ravindra Vasant Bhise who is also enlarged on bail by order of this Court dated 16/03/2023 in Bail Application No. 1176 of 2021, even the present applicant can be enlarged on bail. There are 78 witnesses to be examined. The trial is likely to take a long time to conclude. Hence, the following order :-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the investigating officer of the concerned Police Station;

(v) The applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

4. The application is allowed in the aforesaid terms and is accordingly disposed of.

(M. S. KARNIK, J.)