



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

BAIL APPLICATION NO.2367 OF 2023

RAHUL @ ROMEO RAJESH RAHATAL	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Aniket Vagal, Mr. Kunal Pednekar, Dives Mehan, Ms. Savvy Kolhekar, for the Applicant.

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

PSI-Mr. Vishay Supkule, V.P. Nagar police station, Nashik City present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 12, 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, 120B read with 34 of the Indian Penal Code, section 135 of the Maharashtra Police Act registered on 27/06/2020 vide C.R. No.347 of 2020 with Upnagar police station, Nashik.
- 3.** The applicant was arrested on 28/06/2020. There are in all 3 accused. The applicant is the accused no.2. The date of the incident is 27/06/2020. It appears that Sagar Ahire had proposed friendship

to the sister of the accused no.1 through Instagram. This was not liked by the accused no.1. The present applicant confirmed through one of his acquaintance that the deceased Sagar had in fact proposed the sister of the accused no.1 through Instagram. The accused persons therefore hatched a plan to kill Sagar. The prosecution case is that it is the accused no. 1 and accused no.3 who have assaulted the deceased Sagar. The only role assigned to the present applicant is that he was standing near the spot of the incident and that he had confirmed about the fact that Sagar had proposed to the sister of the accused no.1.

4. Learned APP while opposing the application for bail also submitted that the Aactiva scooter belonging to the deceased was recovered from the present applicant. The blood stained clothes were seized from the present applicant. There is no recovery of any weapon from the present applicant. The applicant is in custody for 39 months as undertrial. The trial is likely to take time to conclude.

5. Considering the role of the present applicant, the applicant can be enlarged on bail. There are no criminal antecedents reported against the present applicant. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Rahul @ Romeo Rajesh Rahatal in connection with C.R. No. 347 of 2020 registered with Upnagar Police Station, Nashik 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Upnagar police station, Nashik once in three months on every first Monday of the month between 11.00 a.m. and 1.00 p.m. commencing from November 2023.
- (e) 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.
- (f) 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.
- (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.)