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

BAIL APPLICATION NO.2958 OF 2023

ANIKET @ AMOL RAMDAS BADGAM ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Satyavrat Joshi i/b. Adv. Samay Pawar for the applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI Mohan Kalamkar, Bharati Vidyapeeth Police Station, Pune City.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 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, 120-B, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1)(3) read with 135 of the Maharashtra Police Act registered on 03.07.2021 vide C.R. No.501 of 2021 with Bharati Vidyapeeth Police Station, Pune.
3. The date of the incident is 03.07.2021. There are in all four accused. The applicant is the accused no.4. The

applicant was arrested on 03.07.2021. The prosecution case in brief is that the deceased – Anand Gulab Gujar was the husband of the accused No.1. There were disputes between the accused No.1 and her deceased husband. The accused No.1 was in a relationship with the accused No.2. The applicant No.1 therefore wanted a divorce from the deceased. The deceased was harassing her. The accused No.1 along with her children started staying in the 'Math' of which the accused No.2 was the Maharaj. The prosecution case is that the deceased came to the 'Math' and picked up a fight with the accused No.1. The present applicant and co-accused No.3 therefore intervened when the deceased was overpowered. It is alleged that the accused No.3 and the present applicant assaulted the deceased with a wooden log (bhairav danda).

4. Learned APP opposed the application for bail. It is submitted that the statements of the co-accused clearly reveal the role of the applicant. It is further submitted that the statement of the witness-Abhishek Sanjay Kalate would reveal that Brezza car which was used to destroy the

evidence was handed over by the applicant to the said Abhishek for cleaning and washing.

5. The case is based on circumstantial evidence. The material is in the form of the statements of the co-accused which implicates the applicant. There is no recovery at the instance of the present applicant. The applicant is not having any criminal antecedents reported against him. The applicant is in custody since 03.07.2021 almost for a period of 28 months. The trial is likely to take a long time to conclude. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Aniket @ Amol Ramdas Badgam in connection with C.R. No.501 of 2021 registered with Bharati Vidyapeeth 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 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 Bharati Vidyapeeth Police Station, Pune once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.
- (h) The applicant shall not to contact with the witnesses.
- (i) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)