



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

BAIL APPLICATION NO. 3152 OF 2023

KHANDU NIVRUTTI SANAP ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Savvy Kolhekar i/b Mr. Aniket Vagal, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 26, 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) read with 34 of the Indian Penal Code, 1860 registered on 13/01/2023 vide C.R. No.13 of 2023 with Mhasrul Police Station, District-Nashik.
- 3.** The applicant was arrested on 13/01/2023. The applicant is the accused no. 2. Accused no.1 is the real brother of the deceased. Accused no.1 had dispute with the deceased over the agricultural land. The date of the incident is 12/01/2023. It is the case of the prosecution that the accused no.1-Deepak had sought help of the

present applicant to arrange for the assailants viz. accused nos. 3- Ravindra and accused no.4- Bihari Bhaiya to kill Dyaneshwar. Learned APP states that accused no.4 is still absconding.

4. Learned APP opposed the application. The material against the present applicant is the memorandum statement of the accused no.1- Deeppak who stated that he had sought help of the present applicant finding the assailants to execute the task of killing Dyaneshwar. The only material which learned APP could point out is the CDR location about the applicant's presence at the spot.

5. Having regard to the nature of the accusations and the materials, in my opinion, in the facts and circumstances of the present case, the applicant can be enlarged on bail. The applicant is in custody for more than 10 months with no possibility of the trial commencing and concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Apart from this, request is made to grant bail on medical ground. The medical report states that the applicant is haemodynamically unstable. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Khandu Nivrutti Sanap in connection with C.R. No. 13 of 2023 registered with Mhasrul, District Nashik 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 Mhasrul, District Nashik 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.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)