

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3760 OF 2022**

Mayur Vijay SolaseApplicant

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Nikam along with Mr.Aashish Satpute i/b.Mr.Amit R. Icham, Advocate for the Applicants.
Ms. Pallavi N. Dabholkar, APP for Respondent-State.
Mr. Himanshu S. Gavit for Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No.I-97 of 2022 registered with Gangapur Police Station, Nashik for offence punishable under Section 302 read with 34 of Indian Penal Code 1860 (for short "IPC").

2. It is prosecution's case that on 18 May, 2002 near Bendkule Mala on the bank of Godavari River, present applicant along with other co-accused in furtherance of their common intention for unknown reason, committed murder of Prathamesh Khair. The

investigation is completed and charge sheet has been filed.

3. It is contention of learned counsel for applicant that no role is attributed against the applicant in the F.I.R. At the time of incident, applicant was not present. It has come in the statement of witness that when co-accused were assaulting the deceased, at that time, applicant reached the incident spot. This Court has granted bail to co-accused, who was shooting the incident. Applicant is 20 year old. Hence, requested to allow the application.

4. It is contention of learned APP that applicant was a part of conspiracy to kill the deceased. Applicant was in contact with co-accused. On several occasions, deceased was assaulted by co-accused. At that time, applicant was present. It shows his involvement in the crime. If applicant is released on bail, he may threaten the prosecution witnesses and he may abscond. Hence, requested to reject the application.

5. Learned counsel for intervenor reiterated the submissions of learned APP.

6. I have heard all learned counsel. Perused the F.I.R. and charge-sheet.

7. In the statement of witness Priyanshu Gavit, he stated that he and applicant were going on his motorcycle. At that time, he had received phone call from Vishal Chavan and he asked him to go to the house of co-accused Shantanu Deshmukh. Accordingly, he, applicant and co-accused Vishal Chavan went towards the incident spot on motorcycle. When they reached there, they saw the incident of assault on deceased by co-accused. There is allegation against the applicant, of conspiracy, but the statement of witness shows that applicant reached the incident spot when co-accused were assaulting the deceased. Investigation is completed, charge-sheet has been filed. Applicant is behind bar for more than one year. Considering the above facts, his further detention is not required.

8. In view of above, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in C.R. No.I-97 of 2022 registered with Gangapur Police Station, Nashik, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00

p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)