

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3826 OF 2022

Vishal Anand Chavan ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Satyajeet P. Dighe for the Applicant.
Ms. P. N. Dabholkar, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st SEPTEMBER 2023.

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P.C. :

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

2. It is prosecution's case that on 18th 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 has been completed and charge sheet has been filed.

3. It is contention of learned counsel for the applicant that applicant was not involved in the said crime. The allegations against the applicant are that he recorded the incident of assault by other co-accused of the deceased in his mobile. Except these allegations, nothing is alleged against the applicant. Applicant is a student. Applicant is behind bar for more than 1 year. Hence, requested to allow the application.

4. It is contention of learned APP that applicant is friend of co-accused. After the incident he took away the co-accused on his bike. He recorded the incident of assault on deceased in his mobile. It shows his involvement in the crime. If the applicant is released on bail, he may abscond and trial may be delayed. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge sheet. From charge-sheet it appears that the role attributed to the applicant is that when co-accused were assaulting the deceased at that time applicant came there, co-accused Sagar told the applicant to record the incident of assault on deceased. Accordingly, the applicant recorded the incident of assault in his mobile . The prosecution's case is that other co-accused beaten up the deceased with wooden stick

and fist and blows. There are no allegations against the applicant that he was involved in beating up the deceased. Applicant is behind bar for more than one year. Applicant is a student. Considering the role of applicant in the involved crime, I pass following order.

ORDER

- (i). Application is allowed.
- (ii) Applicant – Vishal Anand Chavan be enlarged on bail in Crime No. 97 of 2022 registered with Gangapur Police Station, Nashik for the offences punishable under Section 302 r/w 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iv) 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.
- (v) Applicant shall not tamper with the evidence or attempt

to influence or contact the complainant, witness or any person concerned with the case.

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

(SHIVKUMAR DIGE, J.)