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

BAIL APPLICATION NO.4035 OF 2023

NAMDEO THOMBRE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rukmini Khairnar for the applicant.
Mr. P. H. Gaikwad, APP for the State.
PI – Raja Surve, Igatpuri Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 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, 326, 341, 120-B, 143, 147, 148, 149, 34, 381 of the Indian Penal Code (hereafter 'IPC' for short) registered on 10.06.2023 vide FIR bearing C.R. No.121 of 2023 with Igatpuri Police Station.
- 3.** There are in all 15 accused. The applicant is the accused No.9. The date of the incident is 08.06.2023. The applicant has not been identified in the test identification

parade. The case of the prosecution is that the complainant and the deceased were travelling in a tempo for trade of cattle. The complainant had purchased two cows, one calf and one bull for Rs.18,300/-. The accused who were travelling in two Swift cars and Xylo car and some other accused who were on 7-8 motorcycles approached the tempo and asked about the cattle. The mob demanded money from the complainant. The occupants in the tempo were assaulted by the means of iron rods, iron pipes and wooden logs.

4. Learned APP vehemently opposed the application for bail. Learned APP submitted that the CCTV footage of the police station records the applicant's presence. It is alleged that the mob took one of the injured witness to the police station. One of the person died as a result of the assault. There was a recovery of a wooden log from the applicant which is not blood stained. Learned APP submitted that the call detail records and tower location indicate that the applicant was very much present at the scene of offence. No specific role of the applicant can be seen from the

materials on record to indicate the applicant's complicity in the assault. The materials at the highest indicate his presence at the scene of offence. These observations are prima facie not to influence the trial Court.

5. The applicant was arrested on 11.06.2023 and is now in custody for more than six months with the possibility of the trial concluding any time soon appearing to be remote. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Namdeo Thombre in connection with FIR bearing C.R. No.121 of 2023 registered with Igatpuri Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Igatpuri Police Station 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.

6. The application is disposed of.

(M. S. KARNIK, J.)