



Diksha Rane

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

BAIL APPLICATION NO.4049/2023

ROHIT DATTATRAY GHADGE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Nikam a/w. Adv. Aashish Satpute for the
applicant.

Mr. Y. Y. Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 307, 504, 336, 143, 147, 148, 149, 384, 120-B of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4 read with 25 of the Arms Act read with Section 37(1)(3) read with 135 of the Maharashtra Police Act, registered on 30/4/2023 vide C.R. No.144/2023 with Mundhwa Police Station, Pune.
- 3.** The application for bail is opposed by learned APP. It is submitted by learned APP that the offence is serious. This is

a well planned murder.

4. There are in all seven accused. The applicant is the accused no.6. The incident took place on 30/4/2023, in the afternoon, on the public road. On the day of the incident, accused Akash Jawale, Sahil Sutar and the child in conflict with law confronted the informant and started quarreling with him. The owner of the factory tried to intervene in the quarrel. The accused abused and assaulted the deceased which was resisted by him. Thereafter, the co-accused made a phone call to the accused Nagnath @ Hari Patil and narrated the incident. The accused Akash, Nagnath, Sagar and the present applicant hatched criminal conspiracy and went on the spot on motorcycle. Though the applicant was present on the spot, the applicant is not the actual assailant. The assailants are other co-accused. There is no recovery from the present applicant. I have also perused the statement of the witnesses Tejas Satish Raisingh and Sujal Sanjay Salave.

5. The applicant was arrested on 4/5/2023 and now is in custody for more than seven months with no possibility of the trial concluding any time soon. There are no criminal

antecedents reported against the applicant. Considering the role of the applicant who does not appear to be the assailant nor any recovery is made from him, though he was present at the spot, I am inclined to enlarge the applicant on bail. Whether the applicant shared a common intention with the other accused will be a matter for consideration at the time of the trial. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk.

6. It is made clear that the above observations are *prima facie* in nature limited to a decision of this bail application and shall not influence the trial Court. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Rohit Dattatray Ghadge in connection with C.R. No.144/2023 registered with Mundhwa 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 shall attend the Investigating Officer of

Mundhwa police station, Pune, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court.

(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.

7. The application is disposed of.

(M. S. KARNIK, J.)