

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

CRIMINAL BAIL APPLICATION NO. 1388 OF 2024

Ritesh Raju Thorat

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Niranjan Mundargi i/b Ms. Keral Mehta, for the applicant.

Mrs. Priyanka Rane, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 20th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 58 of 2021, registered with Chinchani Wangi Police Station, Sangli for the offences punishable under Sections 302, 201 and 120-B read with Section 34 of the Indian Penal Code, 1860.

3) The offence was registered against four accused persons, including the applicant and three have been released on bail, two by the Sessions Court and one by this Court. The role attributed to all the accused is similar. However, as far as the recovery is concerned, there is a difference in all the recoveries from the respective accused.

4) As far as the applicant is concerned, clothes having blood stains were seized. As far as the weapon is concerned it was recovered from accused No. 1. Admittedly, the applicant is in jail from last more than three years and till date, even the charge has not been framed. The whole case is based on circumstantial evidence, and initially no allegations were made against the applicant after his arrest by way of supplementary statements role came to be stated.

5) In the above referred backdrop, considering the fact that three co-accused have been released on bail, I am of the opinion that though the learned APP is strongly opposing the present application on the ground that there is sufficient incriminating material available against the applicant, I am of the opinion that the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 58 of 2021, registered with Chinchani Wangi Police Station, Sangli for the offences punishable under Sections 302, 201 and 120-B read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall not enter into the territorial jurisdiction of Chinchani Wangi Police Station till the conclusion of the trial except on the date of trial;

- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;
- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]