



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1780 OF 2024

Mahipal Antu Jadhav

...Applicant

vs.

The State of Maharashtra

...Respondents

Shri Vaibhav Ramchandra Gaikwad a/w Yash M. Naik	Advocate for the Applicant
Ms. S. E. Phad	APP for the Respondent-State
D. B. Kudale	Pusegaon Police Station, Satara

CORAM : S. M. MODAK, J.

DATE : 01st JULY 2024

P. C. :-

1. Heard learned Advocate Shri Gaikwad for the Applicant and learned APP.
2. It is true that his bail application as per scheme framed by MHLSA in respect of release of the undertrial prisoners above age of 65 years was rejected. It was not on merits. Now this fresh bail application is filed.

3. Learned Advocate Mr. Gaikwad has invited my attention to the following Orders:-

Applicant Name	Case No.	Dated	Page Nos.
Mahipati Antu Jadhav	Bail Application No. 2777 of 2022	08/02/2023	240
Nilesh Dnyandev Jadhav	Bail Application No. 3123 of 2023	06/11/2023	248
Ashok Mahipati Jadhav	Bail Application No. 4136 of 2023	22/12/2023	256
Vilash Shankar Jadhav and Mangesh Mohan Jadhav	Bail Application Nos. 3729 of 2023 and 3643 of 2023	07/12/2023	252
Sameer Mohan Jadhav and Anr.	Bail Application No. 475 of 2024	07/02/2024	260

4. With his assistance, I have gone through those Orders. Whereas in the F.I.R. this Applicant is named as accused no. 11. He was possessed with sword. In this incident, one Dilip Jadhav is murdered and another is Shamrao Jadhav. It is true that the F.I.R. is dated 15/08/2015. Though the trial has started, yet it is not over. It is referred in the above-mentioned orders.

5. Learned APP submitted that accused persons are not co-

operating for conduct of the trial, because most of them have not appointed advocates. She has also expressed the apprehension about the security of the witnesses. This submission needs to be considered.

However, the rule of the parity is applicable. Hence, the Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Mahipati Antu Jadhav arrested in connection with C.R. No. 61 of 2015 registered with Pusegaon Police Station for the offence punishable under Sections 302, 307, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.
- (iii) The Applicant is directed not to enter Khatav Taluka till conclusion of the trial.
- (iv) He is directed to give his alternate residence address to the concerned Police Station and concerned Court.
- (v) Applicant shall not threaten the prosecution witnesses.
- (vi) The Applicant shall regularly attend the proceedings before the trial Court only for that purpose permission is granted to enter the limits of Khatav taluka.
- (vii) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

- (viii) If Applicant has not appointed any advocate, let trial Court to provide him legal aid counsel.
 - (ix) It is made clear that if other co-accused are not co-operating the conduct of the trial by engaging any advocate, the trial Court is at liberty to provide them legal aid counsel. Because the Court cannot be mute spectator, if accused are not co-operating.
6. Bail Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]