

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1873 OF 2024

Rakesh Maruti Bansode

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vikrant V. Phatate, for the Applicant.

Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : MAY 03, 2024

P.C.:

1. Heard Mr. Phatate, learned Counsel for the Applicant and Mr. Deokar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	1367 of 2020
2	Date of registration of F.I.R.	05/10/2020
3	Name of Police Station	Sadar Bazar, District-Solapur
4	Section/s invoked	302 & 506 of the <i>I.P.C., 1860</i>
5	Date of incident	04/10/2020
6	Date of arrest	05/10/2020
7	Date of filing Charge-sheet	22/01/2021

3. The Applicant and the deceased are real brothers. As per the prosecution case, on 4th October 2020 at about 04.00 p.m., the

deceased told the Applicant that he was in bad company and he should change himself and at that time, he assaulted the Applicant. Infuriated by the said incident, on the intervening night of 4th October 2020 and 5th October 2020, the Applicant assaulted the deceased with an iron rod.

4. It is the submission of Mr. Phatate, learned Counsel for the Applicant that the case is of circumstantial evidence and except recovery, there is no incriminating material against the Applicant. He submitted that there are no antecedents against the Applicant and therefore the Bail Application be granted.

5. On the other hand, Mr. Deokar, learned APP strongly opposed the Bail Application. He submitted that although the case is of circumstantial evidence, circumstances are very strong. Apart from that, the Applicant had a motive. However, on instructions, he states that the Applicant does not have antecedents.

6. Perusal of the record shows that the incident in question took place on 4th October 2020, F.I.R. was lodged on 5th October 2020 and the Applicant was arrested on 5th October 2020. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 22nd January 2021. However, there is no progress in the trial.

7. *Prima facie*, there is substance in the contention of learned

Counsel for the Applicant that except recovery, there is no incriminating material against the Applicant.

- 8.** The Applicant does not have any criminal antecedents.
- 9.** The Applicant does not appear to be at risk of flight.
- 10.** Accordingly, the Applicant can be enlarged on bail by imposing conditions.
- 11.** In view thereof, the following order:-

ORDER

- (a) The Applicant - Rakesh Maruti Bansode be released on bail in connection with C.R. No.1367 of 2020 registered with the Sadar Bazar Police Station, District-Solapur on his furnishing PR. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Sadar Bazar Police Station, District-Solapur once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any

witness in any manner.

- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]