

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

CRIMINAL BAIL APPLICATION NO. 1911 OF 2024

Mahendra @ Pintu Hanmant Jadhav

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Rahul K. Dhaigude with Mr. Dipak Y. Jadhav, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

Mr. S. Pangare, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 22nd OCTOBER, 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. 04 of 2021 registered with Bhuij Police Station, Satara for the offences punishable under Sections 302, 307, 364, 120-B, 396 and 201 of the Indian Penal Code, 1860 and Section 3(1)(i)(ii), 3(2) and 3(4) of The Maharashtra Control of Organised Crime Act, 1999.
- 3) The learned Counsel for the applicant submits that except for the presence of the applicant, there is no mention of any role played by the applicant relating to the deceased. It is submitted that there is no

evidence to show that the applicant assaulted the deceased. He further submitted that the co-accused Shubham has been released on bail by this Court and parity will apply.

4) On the other hand, the learned APP points out that the co-accused Shubham was granted bail as he was not identified whereas the applicant has been identified. Further, it is pointed out that there was a motive and there are statements of witnesses, who named the applicant.

5) In the above-referred backdrop having considered the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the applicant was identified and further there was a motive. In a statement of eye-witnesses, it has come on record that though the deceased was a married person, he had a love affair with the daughter of the present applicant.

6) Furthermore, there are eyewitnesses, who have attributed the role and also confirmed the presence of the applicant on the spot. The provisions of MCOC have been invoked in the present matter, thus considering the material collected by the Investigating Officer, there is no reasonable ground to believe that the applicant is not guilty of the alleged offence.

7) In the circumstances, though there are no antecedents against the applicant, as the applicant does not fulfil the twin conditions, requisite for grant of bail, I do not find this is a fit case for grant bail. Accordingly, the application is rejected and disposed of.

8) Considering the period of incarceration, liberty is granted to the applicant to apply afresh after nine months, if there is no progress in trial.

[ANIL S. KILOR, J.]