

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

CRIMINAL BAIL APPLICATION NO.2494 OF 2023

Amol *alias* Dadya Datta Harale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kedar J. Patil a/w Mr. Pratik G. Tare, Ms. Sakshi Kadam, Ms. Gargi Joshi and Mr. Jitesh Mundawa, Advocate/s for the Applicant.
Mr. Shriram S. Chaudhari, APP for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 1st March 2024

P. C.

1. Heard Mr. Patil, learned Counsel appearing for the Applicant and Mr. Chaudhari, learned APP appearing 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.	494 of 2021
2.	Date of registration of F.I.R.	17 th December 2021
3.	Name of Police Station	Jaysinghpur, District-Kolhapur
4.	Section/s invoked	302, 201 r/w 34 of <i>Indian Penal Code, 1860</i> .
5.	Date of incident	15 th December 2021 to 17 th December 2021
6.	Date of arrest	18 th December 2021
7.	Date of filing Charge-sheet	15 th March 2022

3. As per the prosecution case, the main motive is attributed to the Accused No.1 - Pratap *alias* Gundy Mane. Deceased - Prashant Bhise had abused the mother of the Accused No.1 as a result of non-payment of some money taken by the Accused No.1 from one Archana. As per the prosecution case, all four Accused took the deceased to one eatery and thereafter they went to bar for consuming liquor. Thereafter the deceased was not found and his mortal remains were discovered on 17th December 2021.

4. Mr. Patil, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. The Applicant has no motive. The motive attributed is to the Accused No.1. He submitted that the circumstances against him are last seen together, extra-judicial confession by Accused No.1 and recovery. He submitted that although the incident had taken place between 15th December 2021 to 17th December 2021, the recovery is of the blood-stained clothes, which the Applicant was wearing at the time of his arrest on 18th December 2021. He submitted that even the said extra-judicial confession by Accused No.1 also does not attribute any role to the present Applicant.

5. On the other hand, Mr. Chaudhari, learned A.P.P. strongly opposed the Bail Application. He submitted that the circumstances on record clearly show the involvement of the Applicant in the crime. The Applicant and the deceased were last seen together. The extra-judicial

confession of Accused No.1 shows that the Applicant was present and that he has participated in the offence in question. He submitted that there is recovery of blood-stained clothes. He submitted that at the time of arrest, clothes of the Applicant were having blood stains. He therefore submitted that the circumstances are very strong.

6. Perusal of the record shows that the F.I.R. was registered on 17th December 2021. The Applicant was arrested on 18th December 2021 and Charge-sheet was filed on 15th March 2022.

7. As per the prosecution case, there are more than 21 witnesses proposed to be examined. As far as the progress in the trial is concerned, the Charge was framed on 20th June 2023. However, thereafter there is no further progress in the trial. Therefore, the trial is likely to take a considerably long time.

8. This case is of circumstantial evidence, except last seen together, there are no other strong circumstances against the present Applicant. The Applicant is a young person aged about 21 years.

9. The Applicant does not appear to be at risk of flight.

10. The Applicant does not have any criminal antecedents.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Amol *alias* Dadya Datta Harale be released on bail in connection with C. R. No.494 of 2021 registered with the Jaysinghpur Police Station, District- Kolhapur on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 Jaysinghpur Police Station, District - Kolhapur 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 prosecution witnesses 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 observations made herein are *prima facie*, and the trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]