



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.257 OF 2024

Vasant Keshav Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

INTERIM APPLICATION NO. 470 OF 2024

IN

CRIMINAL BAIL APPLICATION NO.257 OF 2024

Vikas Sudam Aher

...Applicant

In the matter of

Vasant Keshav Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam a/w. Mr. Samadhan Ghumare and Mr. Om N. Latpate, Advocates for the Applicant.

Mr. Aniket Nikam i/b. Mr. Amit Icham, Advocates for the Applicant in I.A.No.470 of 2024.

Mr. P. H. Gaikwad, APP for the Respondent-State.

Mr. Deepak Namdeo Jagtap, Police Constable attached to Yeola Police Station, Nashik Rural present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 27th FEBRUARY 2024

PC:-

1. Heard Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant, Mr. Aniket Nikam, learned Counsel appearing for

the Intervenor/Informant and Mr. Gaikwad, 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.	463/2023
2.	Date of Registration of F.I.R.	20/08/2023
3.	Name of Police Station	Yeola Taluka Police Station, Nashik Rural
4.	Section/s invoked	302, 307, 342, 323, 504, 506 r/w. 34 of the I.P.C., 1860
5.	Date of Incident	19/08/2023
6.	Date of Arrest	28/08/2023
7.	Date of filing of Charge-sheet	October. 2023

3. The present Applicant is Accused No.4. The Accused Nos. 1 and 3 are the sons of the present Applicant and Accused No.2 is the grandson of the present Applicant.

4. As per the prosecution case, the deceased who was 21 years old at the relevant time was in a relationship with the daughter aged 16 years of the Accused No.1. The Accused No.2 has called the deceased in the agricultural field of the Applicant and all the Accused persons assaulted the deceased with iron rod and wooden stick. The deceased succumbed to the resultant injuries.

5. Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant submitted that the incident in question occurred on 19th August 2023, F.I.R. was lodged on 28th August 2023 and the Applicant was arrested on 28th August 2023. He submitted that Charge-sheet has been filed in October-2023 therefore, the investigation is completed. He further submitted that the present Applicant is a senior citizen aged 71 years and suffering from various diseases.

6. On the other hand, Mr. Gaikwad, learned APP appearing for the Respondent-State and Mr. Aniket Nikam, learned Counsel appearing for the Intervenor/Informant submitted that the major role has been attributed to the present Applicant in the incident in question. The deceased told Rahul *alias* Ravindra Pundlik Khadekar about the incident in question in detail and also about the role of all the Applicant. They submitted that the Applicant has mercilessly assaulted the deceased. Both of them pointed out the injuries (Page 119 and Page 124) on the body of the deceased. They submitted that there are total 17 injuries and some of them are on vital part of the body. Therefore, they submitted that Bail Application be rejected.

7. Perusal of the record shows that incident in question occurred on 19th August 2023, F.I.R. was lodged on 20th August 2023, the Applicant was arrested on 28th August 2023 and Charge-sheet has been filed in October-2023. This is a case of circumstantial evidence. The investigation is completed. The

Applicant is a senior citizen aged 71 years and is suffering from age related diseases. Therefore the Applicant is entitled for bail.

8. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

9. There are no criminal antecedents against the present Applicant.

10. Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant states that as several witnesses are from Taluka-Yeola, District-Nashik, the Applicant will therefore not reside within Yeola, District-Nashik and that the Applicant will reside at C/o. Jaywant Tukaram Kale, Dhamangaon Road, Shree Krishna Nagar, Kopargaon, Taluka-Kopargaon, District-Ahmednagar.

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

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

(a) The Applicant-Vasant Keshav Jadhav be released on

bail in connection with C. R. No.463 of 2023 registered with the Yeola Taluka Police Station, Taluka-Yeola, District-Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall not enter the Taluka-Yeola, District-Nashik after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) 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.
- (d) The Applicant shall report to the Kopergaon Police Station, Taluka-Kopergaon, District-Ahmednagar once in a month, on first Sunday of each month between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Kopergaon Police Station,

Taluka-Kopargaon, District-Ahmednagar to communicate details thereof to the Investigating Officer.

- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. In view of the disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

16. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its own merits and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]