

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

BAIL APPLICATION NO. 609 OF 2024

Rakesh Baban Bhandari & Anr.

.Applicants

Versus

The State of Maharashtra

.Respondent

Ms Manisha Devkar, i/b Ujjwala S. Khomane, for the Applicants.
Ms. S. S. Kaushik, APP, for the Respondent– State.
Mr. Vijay Kolhe, PSI-Yavat Police Station, present.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 08.05.2024**

P. C.

1. Heard Ms. Manisha Devkar, learned Counsel for the Applicants and Ms. S. S. Kaushik, 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.	873 of 2023
2.	Date of registration of F.I.R.	26.07.2023
3.	Name of Police Station	Yavat, District-Pune
4.	Section/s invoked	302, 201, 120(B) of I.P.C., 1860
5.	Date of incident	27.03.2022
6.	Date of arrest	26.07.2023
7.	Date of filing of Charge-sheet	22.10.2023

3. In the present case, the incident has taken place on 27th March 2022 and the F.I.R. was lodged on 26th July 2023 i.e. after a period of one year and four months. The F.I.R. was lodged by one Kalidas

Shivdas Shinde. The Informant is a friend of Accused Pranav Bhandari and Pranav Bhandari disclosed to the Informant that on 27th March 2022, the present Applicants i.e. Applicant No.1-Rakesh Baban Bhandari and Applicant No.2-Atul Ashok Jagtap had killed the father-in-law of the brother of Rakesh Bhandari by strangulation. Pranav Bhandari also told the Informant that he had videographed the offence in question and Pranav Bhandari also showed the said video to the Informant-Kalidas Shinde. On the basis of said information disclosed by the Co-Accused i.e. Pranav Bhandari, an F.I.R. was lodged on 26th July 2023.

4. It is the submission of Ms. Devkar, learned Counsel for the Applicants that there is a delay of about one year and four months in registration of the offence in question. She submits that in fact the deceased was not well and therefore the present Applicants took the deceased to the hospital. The deceased suffered a fall and died as result of the same. Hence, he was brought to his house. She submitted that there was no complaint whatsoever for a period of one year and four months. She submitted that even the post-mortem examination was not conducted. Apart from that, she pointed out the panchanama regarding what is observed in the said video. In the said video, what is seen is that the deceased is lying on the ground and Accused Nos.1 and 2 along with Pranav Bhandari are present at that spot. It is her contention that therefore the main basis of the F.I.R. that the Applicants are seen strangulating the neck of the deceased, is

not seen in the said video. She submitted that therefore roles, as seen in the video, attributed to the present Applicants are the same as the one attributed to Accused No.3-Pranav Bhandari. She submitted that Accused No.3-Pranav Bhandari has been released on bail by Order dated 13th December 2023 passed by a learned Single Judge (M.S. Karnik, J) in Bail Application No. 3652 of 2023. She therefore submitted that parity will apply in the present case.

5. On the other hand, Ms. Kaushik, learned APP strongly opposed the Bail Application. She submitted that the main role is attributed to these Applicants. Hence, the Bail Application be rejected.

6. The investigation is completed and the charge-sheet is filed. As per the charge-sheet, there are about 24 witnesses proposed to be examined by the prosecution. There is no progress in the trial and even the charge is not framed yet.

7. Learned Single Judge by Order dated 13th December 2023 has released Accused No.3-Pranav Bhandari who has been attributed with the same role as that of the present Applicants. Accused No.4-Vijay Mandale has been released on bail by the learned Sessions Court.

8. Accordingly, the Applicants can be enlarged on bail by imposing conditions.

9. In view thereof, the following order:

ORDER

(a) The Application is allowed.

(b) The Applicant No.1-Rakesh Bhandari and the

Applicant No.2-Atul Jagtap in connection with C.R. No.873 of 2023 registered with Yavat Police station, District-Pune shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each, with one or more sureties in the like amount to be furnished by each of them.

(c) The Applicants are permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The Applicants shall report to the investigating officer of Yavat Police station, District-Pune once in a month i.e. on first Monday of the concerned month commencing till the conclusion of trial.

(e) The Applicants 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 person from disclosing the facts to Court or to any Police personnel. The Applicants shall not tamper with the prosecution evidence.

(f) On being released on bail, the Applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep the same updated, in case of any change, thereto.

(g) The Applicants shall attend the trial regularly. The Applicants shall co-operate with the Trial Court and shall

not seek unnecessary adjournments thereat.

10. The Bail Application is disposed of accordingly.

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

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[MADHAV J. JAMDAR, J.]