



Diksha Rane

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

BAIL APPLICATION NO.790 OF 2024

SHASHANK RAMCHANDRA JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Gaurav Bhawnani for the applicant.

Mr. B. B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 13, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant is the accused no.2. On 13/10/2023, the accused no.3 – Vinod Nandlal Thakur @ Binod was enlarged on bail vide Bail Application No.2857/2023. The order reads thus:-

“2. This is an application for bail in respect of the offence punishable under Sections 302, 342, 326, 323, 504, 506 read with 34 of the Indian Penal Code (hereafter ‘IPC’ for short) registered on 21/10/2020 vide C.R. No.555/2020 with Powai Police Station, Mumbai.

3. There are in all five accused. The applicant is the accused no.3. The applicant was working as a security guard. The date of the incident is 21/10/2020. One of the witness Sachin stated that the accused who were security guards

caught hold a thief who was assaulted by them in one cabin. The witness Bhagabai had seen the accused assaulting the informant. In the First Information Report (FIR) which was lodged by the informant (deceased) on 21/10/2020, the informant narrated that he was assaulted on the road by some unknown persons. *Prima facie*, the version of the informant appears to be different from the one stated by the witnesses. The informant while undergoing the treatment at Sion Hospital expired on 28/10/2020.

4. Learned APP while opposing the application for bail pointed out that there is a recovery of blood stained plastic pipe by which the informant was assaulted and a rope used for tying the deceased at the instance of the present applicant."

3. Learned APP submitted that there is a recovery of a wooden stick at the instance of the present applicant. It does not appear that the wooden stick is blood stained.

4. Considering that the accused no.3 has been enlarged on bail, even the present applicant can be enlarged on bail on the ground of parity. The applicant was arrested on 2/11/2020 and is in custody for more than three years and four months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The charge has not been framed. There are no criminal antecedents reported against the applicant.

There is no previous enmity between the applicant and the deceased. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shashank Ramchandra Jadhav in connection with C.R. No.555/2020 registered with Powai Police Station, Mumbai, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Powai police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till trial concludes.
- (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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)