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

BAIL APPLICATION NO.1583 OF 2024

RAJESH BHIKU PADAVAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Amit Icham for the applicant.

Smt. Megha S. Bajoria, APP for the State.

PSI-Bhosale, Wanawadi Police Station, Pune.

CORAM : M. S. KARNIK, J.

DATE : APRIL 29, 2024.

P.C. :

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

2. This is an application for bail in respect of the offence punishable under Sections 307, 120-B of the Indian Penal Code (hereafter 'IPC' for short), under Sections 3(25) of the Arms Act and under Sections 37(1)(3), 135 of the Maharashtra Police Act registered on 12.10.2020 vide C.R. No.850 of 2020 with Wanawadi Police Station, Pune.

3. The date of the incident is 12.10.2020. The applicant is the accused No.1. The applicant was arrested on 14.10.2020. By an order dated 04.12.2023 the co-accused-

Balasaheb Anant Jadhav was enlarged on bail. The relevant portion of the order reads thus :-

"2. This is an application for bail in respect of the offence punishable under Sections 307, 120-B of the Indian Penal Code (hereafter 'IPC' for short) and Section 3(25) of the Arms Act and Sections 37(1)(3) and 135 of the Maharashtra Police Act, registered on 12/10/2020 vide C.R. No.850 of 2020 with Wanwadi Police Station, Pune.

3. The date of the alleged incident is 12/10/2020. According to the prosecution's case, the applicant is the conspirator. There were in all 6 accused. The present applicant had illicit relations with the mother of the informant. The informant was, therefore, exploiting the present applicant by making illegal demands for money. The applicant, therefore, gave a contract to the co-accused for committing the murder of the informant. The co-accused fired at the informant. The informant being alert, the bullet only scraped his cheek. A surgery was performed on the informant. The applicant was arrested on 15/10/2020. The applicant was released on COVID parole on 28/05/2021 and surrendered before the learned JMFC on 03/04/2023.

4. Learned APP opposed the applicant and submitted that the applicant had exceeded the period of COVID parole and that he should have surrendered earlier.

5. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail as factually the applicant is in custody for a period of 15 months. The investigation is complete and the charge-sheet has been filed. There is nothing on record to indicate that during the period of COVID parole, there has been any misuse of the liberty granted. There is one criminal antecedent in terms of Section 354A of the IPC registered against the applicant. However, this factor is not sufficient to deprive the facility of bail to the applicant in the present case."

4. It is the allegation that the co-accused No.2-Balasaheb had illicit relations with the mother of the first informant. The informant was harassing the co-accused – Balasaheb with his demand for money every now and then. The

co-accused – Balasaheb therefore decided to eliminate the informant. The accused No.4-Ajit Ashok Khavle introduced the present applicant and other co-accused to Balasaheb who executed the contract killing. The applicant is not the assailant.

5. Learned APP while opposing the application for bail submitted that the vehicle of the applicant that is the auto-rickshaw which was used in the commission of the offence was recovered at the instance of the applicant. It is further submitted that a pistol was recovered at the instance of the present applicant with four live cartridges. It is the case of the prosecution that the pistol was used by the other co-accused i.e. accused No.6. The allegation is that the co-accused No.6 fired at the informant. The informant being alert avoided the gun shot. The bullet only scraped his cheek. A surgery was performed on the informant. The applicant was released on Covid-19 bail from 01.07.2021 till 03.04.2023. There is nothing on record to indicate that the applicant has misused his liberty when he was granted the facility of Covid-19 bail.

6. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. Considering the period the applicant spent in custody as an under-trial and as even the charge has not been framed, the trial is likely to take a long time to conclude I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rajesh Bhiku Padawal in connection with C.R. No.850 of 2020 registered with Wanawadi Police Station, Pune 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 is 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 applicant shall attend the Investigating Officer of Wanawadi Police Station, Pune once in three months every first Monday of the concerned month between 11:00 a.m. and 1:00 p.m. commencing May 2024.

(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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) 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.

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

7. The bail application is disposed of.

(M. S. KARNIK, J.)