

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

BAIL APPLICATION NO. 2054 OF 2023

Yashvardhan alias
Aditya Ashok Jha

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Vipul D. Patil, Advocate, for the Applicant
Ms. M. H. Mhatre, APP, for the Respondent – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 19.01.2024

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1. Heard Mr. Patil, learned Counsel appearing for the Applicant and Ms. Mhatre, learned APP appearing for the Respondent – State.

2. This Application for regular bail is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. NO.	1338 of 2022
2.	Date of Registration of F.I.R.	20.12.2022
3.	Police Station Name	Waliv Police Station, Palghar District
4.	Section/s invoked	302 & 201 of I.P.C., 1860
5.	Date of Incident	20.12.2022
6.	Date of Arrest	23.12.2022
7.	Date of filing of Charge-sheet	13.03.2023

3. As per the prosecution case, the Applicant committed murder of the deceased by strangulating him with a motive to commit robbery.

4. It is the contention of Mr. Patil, learned Counsel appearing for the Applicant that except circumstance of the last seen together, there is no material against the Applicant to show his complicity in the present crime. He further submitted that time between the last seen together and discovery of mortal remains of the deceased is more than 12 hours. There is no recovery at the instance of the Applicant.

5. Mr. Patil, learned counsel appearing for the Applicant submitted that the Applicant is H.I.V. +ve since the year 2008. The Applicant is presently suffering from a skin infection. Therefore, the prison authorities have isolated him from rest of the inmates. The Applicant requires regular medical examination and medications. He submitted that the Applicant is incarcerated for more than one year. The Applicant is a student of Commerce and his academic career is also at stake.

6. Ms. Mhatre, learned APP appearing for the Respondent - State vehemently opposes this Bail Application on the ground that there is a strong circumstantial evidence. However, she has

confirmed that the Applicant is H.I.V. +ve and is suffering from a skin infection.

7. In this case, the Applicant was arrested on 23.12.2022. Charge-sheet is filed on 13.03.2023. As per the Charge-sheet, there are 31 witnesses to be examined by the prosecution. The trial is likely to take a considerably long time.

8. The present Applicant does not have any criminal antecedents.

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

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

O R D E R

(i) The Applicant – Mr. Yashvardhan alias Aditya Ashok Jha in connection with C. R. No. 1338 of 2022 registered with the Waliv Police Station, Palghar District shall be released on bail on his furnishing P. R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

(ii) The Applicant shall not enter the jurisdiction of the Waliv Police Station, Palghar District on being released on bail except for reporting to the Investigating Officer, if called;

(iii) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(iv) The Applicant shall report to the Waliv Police Station, Palghar District once every month, on every Sunday between 11.00 a. m. and 1.00 p. m. till the conclusion of trial;

(v) 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;

(vi) The Applicant shall not tamper with the evidence;

(vii) The Applicant shall regularly attend the trial;

(viii) The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat;

(ix) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]