

Arjun

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

BAIL APPLICATION NO.2157 OF 2023

Akshay s/o. Popat Adhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nitin Gaware Patil, for the Applicant.

Ms. Mahalakshami G., APP, for the Respondent-State.

Mr. R. A. Yadav, Asst. Police Inspector, Sinhagad Road Police Station, Pune.

CORAM : MADHAV J. JAMDAR, J.

DATED : JANUARY 02, 2024

P.C.:

1. Heard Mr. Nitin Gaware Patil, learned Counsel appearing for the Applicant and Ms. Mahalakshami G., learned APP for the Respondent-State.

2. The Applicant by the present Bail Application is seeking regular bail under Section 439 of the *Criminal Procedure Code, 1973*. The relevant details are as under:-

Sr. No.	Description	Details
1	Name of the Applicant	Akshay Popat Adhav
2	C. R. Number	428 of 2022
3	Date of Incident	30.09.2022
4	Date of Registration of C.R.	01.10.2022

5	Name of Police Station	Sinhagad Road Police Station, Pune
6	Sections Applied	302, 143, 144, 145, 147, 148, 149 of IPC of Indian Penal Code.
7	Date of Arrest	02.10.2022
8	Date of Charge-sheet	29.12.2022

3. A perusal of the Charge-sheet and particularly of the statement of Ms. Vanita S. Kurdekar, who is the eye witness, shows that although the Applicant-Accused No.4 was present in the flat, the deceased was actually assaulted by Accused No.1-Mahesh, Accused No.2-Shivraj and Accused No.3-Shivaji.

4. The investigation is completed and Chargesheet has been filed. The Accused was in custody for more than one year and three months. There are no criminal antecedents. The Applicant has no direct role in the incident. Accordingly, the Applicant is entitled to be released on bail.

5. Learned Counsel appearing for the Applicant states that as the incident had occurred at Pune and the witnesses are from Pune City, the Applicant undertakes not to enter in the jurisdiction of the Pune City.

6. The Applicant does not appear to be a flight risk. the Applicant can be enlarged on bail by imposing conditions. Hence, the following Order:

ORDER

- (a) The Application is allowed.
- (b) The Applicant-Akshay Popat Adhav in connection with C.R. No.428 of 2022 registered with Sinhagad Road Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall not enter Pune District on being released on bail except for attending hearings on dates fixed by the trial Court and for reporting to the Investigating Officer, if called.
- (d) 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.
- (e) The Applicant shall, during his time of residence outside the limits of Pune District, report to the Parner Police Station, District-Ahmednagar once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the trial concludes. The details thereof be furnished to the Investigating Officer by the Police Inspector of Parner Police Station, District-Ahmednagar.
- (f) 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/her from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

- (g) The Applicant shall regularly attend the trial. The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

[MADHAV J. JAMDAR, J.]