



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

BAIL APPLICATION NO. 3147 OF 2023

Pradeep Vasant Jadhav

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. R.D. Suryawanshi, for the applicant.

Mr. S. H. Yadav, APP for the State.

API- Mr. Avinash Kisan Vanve, MFC police station, Thane City present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 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 363, 364, 397, 454, 457, 380 read with 34 of the Indian Penal Code, 1860 registered on 26/01/2021 vide C.R. No.I-44 of 2021 with Mahatma Phule Chawk police station, Thane city.

3. In all there are 3 accused. The applicant is the accused no.3. The applicant was arrested on 30/01/2021. The applicant is in custody for a period of 3 years. The applicant had filed an application for bail previously being

Bail Application No. 1658 of 2022 in this Court. On 03/01/2023, the applicant had withdrawn the application with liberty to file a fresh application after 6 months. I am informed that the charge has not been framed. Learned APP submitted that instead of considering the present application, the trial may be expedited. Considering the workload on the trial Court, I am not inclined to expedite the trial in the facts and circumstances of the present case.

4. The complaint vide C.R. No. I-44 of 2021 was lodged at Mahatma Phule Chawk police station by one Prakash Laxman Bhoir against the accused which included the applicant. It is alleged that the accused no.1 is the friend of the victim/complainant. The accused no.1 was aware that the victim/complainant- Prakash Bhoir received substantial sums of money as retiral dues. The date of the incident is 25/01/2021. Accused no.1 called the complainant whereafter they went to Ambivali for lunch. At about 2:30 p.m. the accused asked the complainant to park his two-wheeler and sit in a rickshaw in which accused no.2 and present applicant who is a rickshaw driver were sitting. They proceeded towards Murbad. Accused no.1 asked the

present applicant to stop the rickshaw. The complainant wanted to answer the nature's call. It is alleged that the complainant was made to sit at the edge of the valley. Accused no.1 snatched the mobile phone from the shirt pocket of the complainant. Accused no.2 picked up a stone and hit the complainant on his head. The role attributed to present applicant is that he was holding the hand of the complainant when he was sitting on the edge of the valley. The complainant has stated that the accused picked him up and threw him in the deep valley when fortunately he was stuck on the top of the tree. The complainant became unconscious. After regaining consciousness, the complainant informed the police.

5. Learned APP opposed the application. Prima facie, from the allegations of the prosecution it appears that the motive is attributable to the main accused no.1. The applicant is a rickshaw driver. There are no criminal antecedents reported against the applicant. There is recovery of 3 gold rings and cash amount of Rs.18000/- from the applicant. Learned APP submitted that the applicant is a friend of the accused no.1 and his

involvement is clearly seen from the materials on record.

6. There are no criminal antecedents reported against the applicant. The applicant is now in custody for almost 3 years. The bail application filed on the previous occasion was allowed to be withdrawn on 03/01/2023 with liberty to apply after 6 months. I am informed that there is no progress in the trial. Even charge has not been framed. The trial is likely to take long time to conclude. The applicant does not appear to be at flight risk. Taking an overall view of the matter, I am inclined to enlarge the applicant on bail. The investigation is complete. The charge-sheet has been filed. Further custody will only be by way of a pre-trial punishment in the facts and circumstance of the case. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Pradeep Vasant Jadhav in connection with C.R. No.I-44 of 2021 registered with Mahatma Phule police station, Thane city 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 Mahatma Phule police station, Thane city once in a month on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(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) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the jurisdiction of Mahatma Phule police station after being released on bail, till such time the trial Court deems appropriate to consider the modification of such condition.

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

6. The application is disposed of.

(M. S. KARNIK, J.)