



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

BAIL APPLICATION NO. 3347 OF 2022

MAYUR ANIL SARODE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sachin H. Deokar for the Applicant.

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

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 28, 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 364, 302, 143, 147, 149 of the Indian Penal Code registered on 31/12/2021 vide C.R. No.697 of 2021 with MIDC Bhosari police station.

3. The applicant is accused No.1. For ease of reference, the order dated 05/12/2023 enlarging the co-accused Akshay Prabhakar Dophode on bail is reproduced. The relevant portion of the said order reads thus:

“2. This is an application for bail in respect of the offence punishable under sections 364, 302, 143, 147, 149 of the Indian Penal Code registered on

31/12/2021 vide C.R. No.697 of 2021 with Bhosari MIDC police station.

3. There are in all 6 accused. The applicant is the accused no.3. The applicant was arrested on 06/01/2022. It is the allegation of the prosecution that the deceased was kidnapped by the co-accused-Anil Sarode and other accused on 29/12/2021. The missing complaint was filed. The dead body of the deceased was found on 30/12/2021. The allegation of the prosecution is that the accused have assaulted the deceased. I have perused the post-mortem notes. As per the prosecution case, the accused had requested the driver of a car to take the deceased to hospital as he was in the injured condition. None of the accused were willing to accompany the driver of the car. The driver of the car refused to take the deceased to the hospital. Thereafter the accused took the deceased to one clinic, however, looking at the condition of the deceased, the concerned doctor informed that he should be taken to a bigger hospital. There are no eye-witnesses to the incident. So far as the applicant is concerned, the only material against him is that the mobile phone of the deceased was handed over by the present applicant to one of the witnesses who in turn gave it to the investigating officer. Learned APP vehemently opposed the application for bail.

4. Considering the nature of the materials against the applicant and in the facts and circumstances of the present case, the applicant who is incarcerated for more than a year and 11 months, with no possibility of the trial concluding any time soon, can be enlarged on bail. The investigation is complete. The charge-sheet has been filed. According to learned counsel for the applicant there are no criminal antecedents reported against the applicant."

4. So far as the present applicant is concerned, there is recovery of blood-stained stone at his instance which was found at the spot. It is the accusation that 6 of the accused

had abducted the deceased. They assaulted him and tried to take him to hospital when he was in an injured condition.

5. Learned APP opposed the application. It is submitted that there is recovery of a blood-stained stone at the instance of the applicant. It is further submitted that there are witnesses who said that it is the accused who abducted the deceased.

6. The case is based on circumstantial evidence. The applicant was arrested on 04/01/2022 and is now in custody for more than 2 years. I am also informed that even the charge has not yet been framed. The trial is likely to take a long time to conclude. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet is filed. The applicant does not appear to be a flight risk. In the facts and circumstances of this case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Mayur Anil Sarode in connection with C.R. No.697 of 2021 registered with MIDC Bhosari Police Station shall be released on bail on his

furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of MIDC Bhosari police station once in a month, first Wednesday 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 are of Pimpri Chinchwad Municipal Corporation after being released on bail, till further orders of the trial Court.

(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 application is disposed of.

(M. S. KARNIK, J.)