



Diksha Rane

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

BAIL APPLICATION NO.3807/2023

AKASH WAMAN KALOKHE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Nitin Gaware Patil a/w. Adv. Anandmaya Dhorde, Adv. Shantanu Kolhe, Adv. Shubham Vadane for the applicant/appellant/petitioner.

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

HC Sachin Pawar, Bhigwan Police Station, Pune.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is the second application for bail in respect of the offence punishable under Sections 302, 201 of the Indian Penal Code (hereafter 'IPC' for short) registered on 31/7/2022 vide C.R. No.192/2022 with Bhigwan Police Station, Pune.
- 3.** The earlier bail application was withdrawn with liberty to file a fresh application after three months. The applicant

was arrested on 30/7/2022 and now is in custody for more than one year and eight months with no possibility of the trial concluding any time soon. The charge has not been framed.

4. The prosecution case is based on circumstantial evidence. The circumstances against the applicant are the blood stained tommy found near the house of the applicant recovered at his instance. The Verna car belonging to the father of the applicant was allegedly used to dispose of the dead body. The distance between the spot of the incident to the place where the dead body was thrown is 100 kms. Other incriminating circumstances are in the nature of some bills in the name of the applicant found near the dead body.

5. There are witnesses who say that the Verna car was seen near the spot where the body of victim was found. It is the case of the prosecution that the victim attempted to rob some parts of the tractor belonging to the applicant. The applicant upon noticing this assaulted the victim with the tommy. There is no previous enmity between the applicant and the victim. *Prima facie*, it is possible that the incident happened on the spur of the moment. The applicant was not

knowing the victim.

6. Learned APP opposed the application and submitted that aforesaid circumstances are sufficient to show the complicity of the applicant with the aforesaid offence.

7. I am inclined to enlarge the applicant on bail as the case is based on circumstantial evidence. The applicant is in pre-trial custody for 18 months with the trial not likely to conclude any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant - Akash Waman Kalokhe in connection with C.R. No.192/2022 registered with Bhigwan 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 shall attend the Investigating Officer of Bhigwan Police Station, Pune, once in six

months every first Monday of the concerned month between 11.00 a.m. to 1.00 p.m., commencing March 2024.

(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) The applicant shall attend the trial regularly.

(g) The applicant shall surrender his passport to the investigating officer.

(h) The applicant shall not leave country without prior permission of the trial Court.

8. The application is disposed of.

(M. S. KARNIK, J.)