



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

BAIL APPLICATION NO. 3882 OF 2023

AJAY DEEPAK JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Vagal a/w Adv. Divesh Mehani, Adv. Kunal N.
Pednekar for the Applicant.

Mr. B.B. Kulkarni, APP for the State.

PSI Gosavi, Upnagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 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 302, 120-B read with 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act registered on 27/06/2020 vide C.R. No.347 of 2020 with Upnagar Police Station, Nashik.
- 3.** The applicant is accused No.1 and is alleged to be the main accused. It is the case of the prosecution that the

applicant came to know that the deceased had proposed to his sister for friendship through Instagram. This was not liked by the applicant. A co-accused confirmed about such a proposal and informed the applicant. The accused hatched a plan to kill the deceased- Sagar. It is alleged that the applicant- accused No.1 and accused No.3 assaulted Sagar which led to his death. There is recovery of blood-stained clothes at the instance of the present applicant. There is no recovery of any weapon from the present applicant.

4. Learned APP opposed the application contending that the applicant had a strong motive and further there was recovery of blood-stained clothes at his instance. It is further submitted that the trial has already commenced and four witnesses are already examined. The fifth witness is currently under examination. It is submitted that the prosecution proposes to examine around 26 witnesses but it is not as if all the witnesses will be examined. He submits that some of them may be dropped.

5. The trial though commenced, is likely to take some

time to conclude. It is pertinent to note that the applicant is now in custody for more than 3 years and 6 months. The applicant does not appear to be a flight risk. The applicant was granted COVID parole for a period of 45 days on 12/01/2021 and has surrendered as directed. There is nothing on record to indicate that the applicant has misused his liberty. Therefore, the applicant is not likely to abscond. Considering the facts of the present case and that the case is based on circumstantial evidence, I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ajay Deepak Jadhav in connection with C.R. No.347 of 2020 registered with Upnagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Upnagar police station twice a month, on first and third 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) The applicant shall not leave Nashik District after being released on bail without prior intimation 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.

6. The application is disposed of.

(M. S. KARNIK, J.)