

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4000 OF 2023

Aniket @ Bunty Narayan Jadhav Applicant

V/s.

The State of Maharashtra Respondent

Mr.Chaitanya Pendse a/w Mr.Shailesh Chavan, Mr.Prathamesh Bankar, Mr.Hrishikesh Avhad, for the Applicant.

Mr.P.S. Gaikwad, APP, for the Respondent-State.

Mr.Vishal S. Bhandare, PSI, Bhuinj Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th MARCH 2024

P.C:-

. By this Application, the Applicant is seeking temporary bail for the period of 45 days for the purpose of marriage.

2. The Applicant is arraigned as an accused in CR No.4 of 2021 registered with Bhuinj Police Station, Taluka-Wai, District-Satara, for the offences punishable under Section 302, 307, 364, 120B, 396, 201 read with Section 34 of the Indian Penal Code ('IPC' for short) and Section 3(1)(ii) and 3(2) and

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3(4) of the Maharashtra Control of Organized Crime Act, 1999 ,
(for short, " MCOC Act ").

3. The prosecution case in brief as follows :-

The Applicant alongwith co-accused killed Omkar Chavan, and burnt his body at Bhuinj Crematorium with a view to destroying the evidence and threw the ashes into Krishna river. In connection of the said crime Police attested the Applicant and other accused persons.

4. It is contention of the learned counsel for the Applicant that Applicant's marriage is fixed with Shveta Shelar. Applicant and Shveta are knowing each other since school and are in relation for more than 7 to 8 years. The said relation's are accepted by their family members. The Applicant and Shveta had desired to marry and their families were in process of fixing their engagement ceremony and further marriage, but the Applicant was arrested in the present crime, hence, marriage could not be performed at that time. The learned counsel further submitted that the Applicant has been falsely implicated in this case and requested for temporary bail for marriage.

5. It is contention of the learned APP that as per the information of the Police the Applicant has already married with Shveta Shelar and she used to participate in the public function of the village as wife of the Applicant. There are photos of her with wearing mangalsutra, participated in the function as a wife of the Applicant. The learned APP further submitted that she has visited the Applicant in Jail as his wife on many occasions. The learned APP further submitted that when Applicant was produced in the Trial Court the other group had fired on him, there is danger to his life. Hence, requested to reject the Application.

6. The learned APP has produced on record the photographs of Shveta Shelar participated in public function, which is at Article-A and the Visitors list of Jail authority, who met the Applicant.

7. I have heard both learned counsel. Perused the documents produced on record.

8. It appears from the visitors list who met the Applicant in Jail, it shows that Shveta A. Jadhav met the

Applicant on several occasions as a wife.

9. It is contention of the learned counsel for the Applicant that she met the Applicant as a sister also.

10. In my view, on several occasions, Shveta met the Applicant as a wife. Moreover, the photographs of the public function “Baipan Bhari Deva” shows that Shweta had participated in the said function with mangalsutra as a wife of the Applicant. It is alleged that the Applicant is a gang leader, fifteen cases were registered against the Applicant, out of these cases in 9 cases he has been acquitted, other cases are pending against him. The MCOC charges are applied against the Applicant. Smt.Shveta with whom Applicant wish to marry, and on that ground Applicant seeks temporary bail has met the Applicant as his wife on several occasions and has participated in public function with mangalsutra. It shows that to get temporary bail, the Applicant has taken the ground of marriage.

11. In view of above, I pass following order.

ORDER

(i) The Application is rejected.

(ii) All pending interim applications are disposed of.

(SHIVKUMAR DIGE, J.)