

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.679 OF 2024

Rohan Gabbar Kamble, Age 19 years,
Occ.Labourer, R/o.Tembale Naka,
Railway Datak, Tal.Karveer, Dist.Kolhapur
(Presently in Kolhapur Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam with Mr.Amit Icham with Ms.Shreya Anuwat with
Mr.Pratik Jadhav, Advocates for Applicant.
Mr.Shreeram S.Chaudhari, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 9th October 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.125 of 2023 registered with Gandhinagar Police Station, District Kolhapur, for the offences punishable under Sections 302, 143, 144, 145, 147, 148, 149 of Indian Penal Code r/w Section 135 of Maharashtra Police Act.

3. It is alleged that the main accused i.e. accused no.1 along with Applicant committed murder of the deceased on the ground that deceased refused to repay the amount paid by the accused no.1 to him. There are video clips of the incidence wherein two persons were seen wearing ash colour pant i.e. accused no.1 and present Applicant as per prosecution story. It was also seen in the video clips

that one accused wearing ash colour pant had brown colour wallet in his hand and the same alleged to have recovered from the Applicant after two days of the incident.

4. There is nothing on record except recovery of pant and the wallet to show that persons who were seen in the video, one of them is the Applicant. No identification was made to arrive at a conclusion that persons who were seen in the video, one of them was the Applicant. No doubt that blood stained clothes and slippers along with brown colour wallet was recovered from the Applicant, however, no explanation was offered for not carrying out test identification parade when the video clippings were available with police.

5. In the above referred backdrop as the charge sheet is filed and since Applicant is in jail from last one and half years, I am of the opinion that custody of the Applicant is no more required. As far as trial is concerned, there is unlikelihood that trial will be concluded in the near future considering the pace with which it is proceeding. In the circumstances though the learned APP is strongly opposing the application, in view of the above referred observations, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.125 of 2023 registered with Gandhinagar Police Station, District Kolhapur, for the offences punishable under Sections 302, 143, 144, 145, 147, 148, 149 of Indian Penal Code r/w Section 135 of Maharashtra Police Act on furnishing P.R.Bond of Rupees Twenty

Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Kolhapur City till conclusion of trial, except for trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 11.00 a.m till conclusion of trial;

(v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(vi) Liberty is granted to the State for cancellation of bail if the Applicant breaches any condition or misuses the liberty or commits similar offence;

(vii) The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)

MST