

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

CRIMINAL BAIL APPLICATION NO. 852 OF 2024

Gaurav Gokul Kendale

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Ayush Pasbola with Sankalp Vichare, Akshay Kumar, R. Babar,
Advocate for the applicant.

Ms. Priyanka Rane, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th AUGUST, 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.252 of 2022 registered with Sahakarnagar Police Station, Pune for the offences punishable under Sections 120B, 302, 323, 504 read with Section 34 of the Indian Penal Code, 1860, Section 7 of Criminal Law Amendment Act, 2013 and Section 37(1)(3) read with Section 135 of Maharashtra Police Act, 1951.

3) In the FIR, the applicant was not named, and no role attributed to him. Even there is no mention about the presence of the applicant while the incident of assault took place. The applicant reached the scene of the offence after the incident and since the deceased was seen in an injured condition, he took him to the hospital.

4) Subsequently, the applicant was roped in by way of a supplementary statement expressing that his arrival the spot of the incident is suspicious and there is every possibility that the applicant is also involved in the alleged offence. However, there is no material to directly connect the applicant with the alleged offence except the above referred suspicion.

5) The applicant is in jail from 10th December, 2022 i.e. more than one and half years. In the meantime, the charge-sheet has been filed and investigation is over. Accordingly, considering the nature of allegations against the applicant and the evidence collected by the Investigating Officer, I am of the opinion that the further custody of the applicant is not necessary.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.252 of 2022 registered with Sahakarnagar Police Station, Pune for the offences punishable under Sections 120B, 302, 323, 504 read with Section 34 of the Indian Penal Code, 1860, Section 7 of Criminal Law Amendment Act, 2013 and Section 37(1)(3) read with Section 135 of Maharashtra Police

Act, 1951, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall attend the said Police Station on 1st day of every month between 9.00 am to 10.00 am., till the conclusion of the trial except on the date of trial;

iv. 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;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

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

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]