

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

CRIMINAL BAIL APPLICATION NO. 1025 OF 2024

Abhishek Chandrakant Nalawade ...Applicant

Versus

State Of Maharashtra ...Respondent

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Mr. Nagesh Khedkar a/w Mr. Rohan Hogle, Mr. Abhishek Nagode, Mr. Ajinkya Mahadik, Advocate for the Applicant.

Ms. Supriya Kak, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 12th JUNE, 2024.

P.C.:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.29 of 2022, registered with Bhosari Police Station, District: Pimpri-Chinchwad for the offences punishable under Sections 302, 427 r/w 34 of Indian Penal Code (for short 'IPC').

3. Learned Counsel for the Applicant submits that there is no evidence on record to show the involvement of the Applicant in the alleged offence or the Applicant is responsible for the head injury which is the cause of death of the deceased. It is submitted that the Applicant is in jail from more than two and half years and

during this period the investigation was completed and charge-sheet has been filed. Learned Counsel for the Applicant therefore submits that since the further custody of the Applicant is not necessary, he may be released on bail.

4. On the other hand, learned APP strongly opposed the Applicant and submits that there is statement of one Balkrushna Vansant Desai who supports the case of the prosecution. It is submitted that as the Investigating Officer has collected the sufficient incriminating material against the Applicant, the bail may not be granted.

5. I have perused the charge-sheet and also the relevant statements.

6. From the statement of Balkrushna Vansant Desai on which the learned APP has relied upon it is evident that no specific role is attributed to the Applicant. Moreover, the learned APP has referred to fact of recovered CCTV footage, there is no transcript of the said CCTV footage. Furthermore, no identification parade was conducted. In the circumstances, except the fact that the clothes having blood stains were recovered at the instance of the Applicant, there is no other sufficient material pointed out to show the involvement of the Applicant. In the circumstances, as the

investigation has already been completed and the charge-sheet is filed, I am of the opinion that since further custody of the Applicant is not necessary, the Applicant is entitled for grant of bail. Accordingly, the Application is allowed.

ORDER

- i. Criminal Bail Application No. 1025 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.29 of 2022, registered with Bhosari Police Station, District: Pimpri-Chinchwad for the offences punishable under Sections 302, 427 r/w 34 of IPC, on furnishing PR. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicant shall attend the Police Station on every 1st and 16th day of month between 11:00 am to 12:00 noon till conclusion 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 for 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 off, accordingly.

(ANIL S. KILOR, J.)