

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

CRIMINAL BAIL APPLICATION NO. 1571 OF 2024

Vaibhav Bhikaji Korani

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Sakshi S. Kadam with Mr. Pratik Tare, Kedar J. Patil, for the applicant.

Mr. Pankaj P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 9th 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.94 of 2023 registered with Shahapur Police Station, Dist. Kolhapur for the offences punishable under Sections 302, 120B and 504 read with Section 34 of the Indian Penal Code, 1860.

3) The offence was registered on 29th March, 2023 against Ashlesh @ Akhilesh Sunil Kardage and one unknown person. The applicant was not named in the FIR. The applicant was arrested on 29th March, 2023

on the same day. No Identification Parade is conducted till date. The memorandum under Section 27 of the Indian Evidence Act, 1872 is dated 5th April, 2023 on which the learned APP is harping upon to oppose the present application. In the said memorandum, accused No. 1 has stated that he committed the offence along with the present applicant. However, the fact remains that the date of the memorandum is 5th April, 2023 and the applicant was arrested on 29th March, 2023.

4) Nothing has been pointed out by the prosecution to show that on the date of arrest of the applicant what was the evidence available with the prosecution to make the applicant as an accused in the alleged offence or to say that the unknown person is the applicant who committed the offence along with the accused No. 1.

5) In the above referred backdrop, considering the fact that the charge-sheet has been filed and further accused No. 1 has already been released on bail, I am of the opinion that the applicant is entitled for grant bail. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.94 of 2023 registered with Shahapur Police Station, Dist. Kolhapur for the offences punishable under Sections 302, 120B and 504 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR. 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 10.00 am to 11 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.]