

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1956 OF 2024

Mangesh Sadanand Yadav .. Applicant

Versus

The State of Maharashtra .. Respondent

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Ms.Aafreen S. Shaikh h/f Ms. Krupali H. Rajani for the Applicant.

Mrs.Poonam Bhosale, A.P.P. for the State/Respondent.

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CORAM: NITIN W. SAMBRE, J.

DATED : 23rd SEPTEMBER, 2024

P.C:-

1. The Applicant came to be apprehended by Mahad M.I.D.C. Police Station in Crime No.43 of 2022 registered for the offences punishable under Sections 302, 201, 323, 324, 504 read with Section 34 of the Indian Penal Code (For short, “IPC”) and is charge-sheeted,

2. The learned counsel for the Applicant, who preferred an Application for regular bail, would urge that there is no direct evidence to connect the Applicant with the crime, as the motive is not attributed. Apart from above, according to her, there is no direct evidence to connect the Applicant to the offence in question.

3. As such, she would urge that the Court may impose stringent conditions and direct the release of the Applicant on bail.

4. As against the above, the learned A.P.P. has opposed the prayer.

5. The statement of the Complainant recorded under Section 164 of the Code of Criminal Procedure, 1973 (for short, “Cr.P.C.”), in categorical terms, speaks of the presence of the Applicant at the spot of incident and his direct participation.

6. The ingredients for the offences punishable under Sections 302, 324 of IPC can be inferred in view of the direct evidence of eye witness available on record. Apart from above, a specific statement is made that the Applicant has not only assaulted the deceased, but also assisted the other accused in drowning the deceased. As being so, since the direct evidence is not available against the Applicant to connect him with the crime in question, no case for grant of bail is made out.

The Application is rejected.

(NITIN W. SAMBRE, J.)