

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2006 OF 2024

Kishor Shankar Bhasre, Age 23 years,
Occ.Nil, R/o.At Doaahol, Tal.Trimbakeshwar,
Dist.Nashik, presently lodged in
Nashik Road Prison.

Applicant.

Versus

The State of Maharashtra

Respondent

Mr.Aniket Vagal with Mr.Kunal N.Pednekar, Ms.Savvy Kolhekar,
Advocates for Applicant,.
Mr.Pankaj P.Deokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 14th 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.149 of 2022 registered with Harsul Police Station, District Nashik, for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.

3. Having gone through the charge sheet and the material collected by the Investigating Officer during investigation it is evident that initially the FIR was registered against unknown persons and subsequently on the basis of Section 27 of Indian Evidence Act memorandum and on disclosure of name of Applicant by the co-accused, the Applicant was arrested. The statements of witnesses who have seen the Applicant lastly with the deceased were recorded

after more than two months. Surprisingly the witness is the cousin of the deceased. No explanation has come forward to the effect that why he was silent for more than two months and why this fact was not immediately disclosed to the police.

4. Thus, it creates doubts about the veracity of the prosecution case against the Applicant, more particularly since there is no direct evidence against Applicant. Applicant was arrested on 27th December 2022 and since then he is in jail. In the mean time investigation was completed and charge sheet has been filed. In the above backdrop, though learned APP is strongly opposing the application, I am of the opinion the Applicant is entitled for grant of bail. Hence, 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. 149 of 2022 registered with Harsul Police Station, District Nashik, for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Harsul Police Station, District Nashik, on every 1st and 16th of every month between 12.00 noon and 2.00 pm till conclusion of 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 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.

(ANIL S.KILOR, J.)

MST