

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 2057 OF 2024**

Rushikesh Raju Kharat S/o. Raju ... Applicant.  
Kharat

V/s.

The State of Maharashtra ... Respondent.

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Ms Priyal G. Sarda, Advocate for Applicant

Ms Poonam Bhosale, APP for the State.

Shri Laxman Kashinath Akamwad, PSI, PS Pimpri-Chinchwad, Pune.

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**CORAM : ANIL S. KILOR, J.**

**DATED : AUGUST 28, 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.0446 of 2023, registered with Police Station, Sangvi, District: Pimpri-Chinchwad for the offences punishable under Sections 302, 201, 323, 504 read with Section 34 of the Indian Penal Code, Sections 3(25)(27), 5, 35 of the Indian Arms Act, 1959 and Sections 37(1)(c) and 135 of the Maharashtra Police Act, 1951.

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3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that the cause of death of the deceased was 'due to firearm injuries'. The accused No.1 is the author of those firearm injuries. No doubt that the applicant was present in the car along with the accused No.1 and the deceased, however, there is no overtact or role attributed to the applicant or even there was no motive as far as the applicant is concerned. The pistol, which was used in the alleged offence, was of the deceased and there was a dispute in respect of some hand loan to be repaid by the accused No.1 to the deceased.
4. In the circumstances, considering the nature of the allegations against the applicant and the evidence collected by the Investigation Officer, coupled with the fact that the charge-sheet has been filed and the applicant is in jail from last about one year, I am of the opinion that this is a fit case for grant of bail.
5. The learned APP, though strongly opposing the present application, in view of the above observations, I pass the following order:
  - i) The Criminal Application is allowed.
  - ii) It is directed that the applicant shall be released on bail in connection with Crime No.0446 of 2023, registered with

Police Station, Sangvi, District: Pimpri-Chinchwad for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code, Sections 25(3) and 27(3) of the Indian Arms Act, 1959 and Sections 37(1)(c) and 135 of the Maharashtra Police Act, 1951, on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Police Station, Sangvi, District : Pune till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O. which he shall attend on first and sixteenth day of every month between 12:00 noon and 01:00 p.m., till conclusion of the trial, except on the date of the trial.
- v) 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;
- vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.

- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)