

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

CRIMINAL BAIL APPLICATION NO. 2150 OF 2024

Balaji Maroti Ayanalwar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Sanket P. with Mr. S. C. Deshpande, for the applicant.

Ms. Priyanka S. Rane, APP for State-Respondent.

Mr. Pote, PSI, Wakad Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 13th 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.05 of 2023 registered with Wakad Police Station, for the offences punishable under Sections 364, 302, 201 and 120-B read with Section 34 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation coupled with the allegations against the applicant, it is evident that the accused Nos. 1 and 2 had motive. However, as far as the applicant is concerned, he was

working as a driver on the vehicle of the accused No. 1 and there was no motive. Except the fact that some blood stains were found on the clothes of the applicant, there is no direct evidence against the applicant. Furthermore, nothing is pointed out to arrive at a prima facie conclusion that the applicant had any knowledge about the commission of murder of the deceased by accused Nos. 1 and 2. No doubt there is evidence to show that the applicant was along with the co-accused, however, if the statement of the applicant is considered, which was recorded by the police immediately after the arrest of the accused No. 1, there is no reason to disbelieve the same at this stage, particularly considering the fact that the applicant was working as a driver with the accused No. 1.

4) The learned APP while opposing the application, has pointed out the CDR and the allegation against the applicant and the CCTV footage of the petrol pump, which the applicant is not disputing.

5) However, prima facie there is a doubt about the involvement of the applicant in actual commission of the offence. The material collected by the Investigating Officer strongly suggests that the role of the accused Nos. 1 and 2 is the main role, and they are involved in the alleged offence.

6) In the circumstances, I am of the opinion that considering the fact that the charge-sheet has been filed and the applicant is in jail from last one year and eight months and since further custody of the applicant is not necessary, this is a fit case to grant bail.

ORDER

- i. The Bail Application is allowed;

- ii. It is directed that the Applicant shall be released on bail in Crime No.05 of 2023 registered with Wakad Police Station, for the offences punishable under Sections 364, 302, 201 and 120-B 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 and 16th day of every month between 12.00 noon to 2.00 p.m., 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.]