

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2167 OF 2024

Laxmi Narasappa Salmeti ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Siddhsen S.Borulkar, Advocate (appointed) for Applicant

Ms Poonam Bhosale, APP for the State.

CORAM : ANIL S. KILOR, J.

DATED : AUGUST 28, 2024.

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.302 of 2023, registered with Sadar Bazar Police Station, District : Solapur for the offences punishable under Sections 363, 370 read with Section 34 of the Indian Penal Code and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
3. In the present matter, except the statement of the co-accused there is no material collected by the Investigating Officer during investigation to show involvement of the applicant. In light of the

fact that there are no antecedents against the applicant of the similar nature or otherwise, the Investigating Officer was expected to collect the evidence against the applicant after getting the knowledge from the statement of the co-accused that the applicant is involved in the alleged offence. However, such evidence was not collected by the Investigating Officer. Thus, there is no independent evidence to *prima-facie* show that the applicant is involved in the alleged offence, except the statement of the co-accused.

4. Thus, I am of the opinion that it is not safe to rely solely upon the statement of the co-accused to deny bail to the applicant. The applicant is languishing in jail for about one year and also the charge-sheet has also been filed.
5. In the circumstances, though the learned APP is strongly opposing the present application, 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.302 of 2023, registered with Sadar Bazar Police Station, District : Solapur for the offences punishable under Sections 363, 370 read with Section 34 of the Indian Penal Code and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, 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 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;
- iv) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- v) 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.

Fees of the Advocate appointed to represent the applicant be quantified as per the Rules.

(ANIL S. KILOR, J)