

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

**CRIMINAL BAIL APPLICATION NO. 2322 OF 2024
WITH
INTERIM APPLICATION NO. 2731 OF 2024**

Gorakh Janardhan Falle ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Aniket Vagal with Savvy Kolhekar, Advocate for Applicant.

Mr. P. P. Deokar , APP for State-Respondent.

Mr. Vijaykumar Dighe with Amol Ohal, Advocate for Intervener.

CORAM:- ANIL S. KILOR, J.

DATED:- 18th SEPTEMBER, 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. 577 of 2023 registered with Mahalunge MIDC Police Station, Pimpri Chinchwad for the offences punishable under Sections 302, 364, 120-B and 201 read with Section 34 of the Indian Penal Code, 1860.

3) The whole case is based on circumstantial evidence and till date the body was not found but some bones were recovered. However, there is no DNA report supporting to the case of the prosecution that the deceased has been murdered. As far as the motive is concerned, the prosecution has placed reliance on the statement of the applicant himself at page No. 282 of the paper book. However, going through the same, it appears that there was some conspiracy hatched by the applicant and co-accused to first make a demand of ransom amount from the father of the deceased and, in case the father does not fulfill such demand, to commit the murder of the deceased. However, nothing has been pointed out that there was any demand made to the father of the deceased. Thus, even if the statement of the applicant is considered on its face value, it does not support the prosecution case.

4) There is a CCTV footage which supports the case of the prosecution that the deceased was seen lastly with the applicant and the co-accused. However, in absence of any evidence to show that the offence was committed in proximity of time after they were seen together, it is difficult to solely rely upon such CCTV to deny bail to the applicant.

5) In the above referred backdrop, considering that the whole case is based on circumstantial evidence, I am of the opinion that since the charge-sheet has been filed and as the applicant is in jail from last one year, further custody of the applicant is not required.

6) In the circumstances, though the learned APP and the learned Counsel for the first informant are strongly opposing the application, I pass the 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. 577 of 2023 registered with Mahalunge MIDC Police Station, Pimpri Chinchwad for the offences punishable under Sections 302, 364, 120-B and 201 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall not enter into territorial jurisdiction of Mahalunge MIDC Police Station till conclusion of trial, except on the date of trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date of 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 in case Applicant breaches any of the conditions and/or if the applicant commits similar offence;

(vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

In view of the disposal of Criminal Bail Application, the Interim Application also stands disposed of.

(ANIL S.KILOR, J.)