

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

CRIMINAL BAIL APPLICATION NO. 2390 OF 2024

Dhruv Suresh Alhat

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Shailesh S. Kharat with Ajit Gandal with Tanmay Kate, Advocate
for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 21st OCTOBER, 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. 739 of 2023 registered with Yerawada Police Station, Pune, for the offences punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, 1860, Section 4/25 of the Arms Act, 1959 and Section 37(1)(3) of the Maharashtra Police Act, 1951.
- 3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that the FIR was registered against one Dadya Patole and one unknown person.

4) In the CCTV footage, the accused who were identified, the applicant was not seen in the same. Thus, from the CCTV footage, it is evident that the applicant was not present on the spot.

5) It is further evident that the statement of Omkar Jhore was recorded on 23rd November, 2023 i.e. after 23 days of the incident and after about 20 days of the arrest of the applicant as the applicant was arrested on 3rd November, 2024. In the said statement, the allegation against the applicant is that he is the conspirator.

6) However, no explanation is there for delay in recording the statement. Furthermore, there are no antecedents against the applicant or nothing is recovered from the applicant.

7) Thus, considering the nature of allegations and the material collected by the Investigating Officer, I am of the opinion that as the charge-sheet has been filed, further custody of the applicant is not required.

8) At this stage, the learned APP expressed an apprehension that if the applicant is released on bail, he may tamper the prosecution witnesses or pressurise the witnesses.

9) Thereupon, the learned Counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide any condition including not to enter Pune City. Accordingly, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 739 of 2023 registered with Yerawada Police Station, Pune, for the offences punishable under Sections 302,

120-B read with Section 34 of the Indian Penal Code, 1860, Section 4/25 of the Arms Act, 1959 and Section 37(1)(3) of the Maharashtra Police Act, 1951, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Pune City till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16 day of every month between 10.00 am to 11.00 am till the conclusion of the 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 to apply cancellation of bail 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.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]