

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

**CRIMINAL BAIL APPLICATION NO. 2549 OF 2024**

Nilesh Jivya Vaghat and Others ...Applicants

**Vs.**

The State of Maharashtra ...Respondent

Mr. Yogesh S. Adhiya, for the applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

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

**DATED:- 9<sup>th</sup> 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.307 of 2023 registered with Manor Police Station, Dist. Palghar, for the offences punishable under Sections 302, 307, 337 and 338 read with Section 34 of the Indian Penal Code, 1860 and Sections 184, 3(1)/181 of Motor Vehicle Act, 1988.

3) In the present matter, the applicant is in jail from last 11 months and though the offence is registered under Section 302, after going through the charge-sheet and the material collected by the Investigating Officer during the investigation it is evident that the witnesses have stated that on an apprehension that in a tempo which the applicant was driving was carrying stolen articles, some persons stopped the said vehicle, i.e. Tata Tempo. Thereupon, the applicant drove the vehicle in reverse with an intention to kill the deceased.

4) Thus, considering the allegations and the nature of the evidence collected by the Investigating Officer coupled with the fact that there are no antecedents against the applicant, I am of the opinion that since the charge-sheet has been filed, the applicant is entitled for grant of bail.

5) The learned APP while opposing the bail application, has pointed out the statements of eye-witnesses. However, all the statements are stereotype. Except the change in the names of the witnesses, there is no difference in statements.

6) Thus, as far as the intention of the applicant is concerned, the case of the prosecution is prima facie doubtful. In that view of the matter, the application needs to be allowed. Hence, 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.307 of 2023 registered with Manor Police Station,

Dist. Palghar, for the offences punishable under Sections 302, 307, 337 and 338 read with Section 34 of the Indian Penal Code, 1860 and Sections 184, 3(1)/181 of Motor Vehicle Act, 1988, 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 1<sup>st</sup> day of every month between 10.00 am to 11. am, 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.]**