

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

CRIMINAL BAIL APPLICATION NO. 2562 OF 2024

Chaitanya @ Sonu Sahebrao Keskar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Aniket Nikam i/b Amit Icham, for the applicant.

Mr. Sameer M. Mangaonkar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 20th 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. 126 of 2022, registered with Nandgaon Police Station, Nashik Rural for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860.

3) The whole case is based on circumstantial evidence, i.e. last seen theory. The applicant was arrested on 25th May, 2022 and on the date of arrest, in absence of any statement of the witnesses, including the informant, as regards the involvement of the applicant, on what basis

the applicant was arrested, is not pointed out despite a specific query in that regard.

4) The witnesses, namely Dnyaneshwar Kesarkar and Sachin Ingale, no doubt support the case of prosecution on the point of last seen. However, those statements were recorded on 28th May, 2022 i.e. five days after the incidence and three days after the arrest of the applicant. Moreover, recovery, i.e., the liquor bottle, water bottle, shoes of the deceased, and motorcycle was after two days of the arrest of the applicant, from the applicant.

5) Prima facie, in absence of any evidence to implicate the applicant in the alleged offence on the date of the arrest, it creates doubt about the case of prosecution against the applicant.

6) In the said backdrop, considering the period of incarceration of the applicant and furthermore, the fact that the charge-sheet has been filed and there is no possibility of trial to be concluded in near future, I am of the opinion that the applicant is entitled for grant of bail. 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. 126 of 2022, registered with Nandgaon Police Station, Nashik Rural for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code,

1860, 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 Nandgaon Police Station, Nashik Rural 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 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;

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.]