

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2730 OF 2024

Sagar Kisan Moholkar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Dr Uday P. Warunjikar a/w Ms Sonali R Chavan & Uzma Pathan, Advocate for Applicant

Mr Shailesh S. Ghag, APP for the State.

PSI B.S. Bhosale, P.S. Pandharpur Rural.

CORAM : ANIL S. KILOR, J.

DATED : SEPTEMBER 25, 2024.

RAJIV
BABARAOJI
RAUT

Digitally signed by
RAJIV BABARAOJI
RAUT
Date: 2024.09.26
15:01:33 +0530

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.308 of 2022, registered with Pandharpur Rural Police Station, District : Solapur for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.
3. In the present matter, as per the statements of witnesses the applicant committed murder of the deceased on 29/06/2022 and

as per the charge-sheet body was noticed on 02/07/2022 and the F.I.R. was registered on 15/07/2022. The body was found in a decomposed state in the river water. The applicant was arrested on 19/07/2022 and the eyewitness have given their statements after about 2 months of the incident stating about the role of the applicant in the alleged offence. No explanation is offered by any of the eyewitnesses for not informing the incident to the police for such a long period. Furthermore, as observed that the body of deceased was noticed on 02/07/2022 and the F.I.R. came to be lodged on 15/07/2022 and all the witnesses have given statements belatedly, implicating the applicant in the alleged offence, *prima-facie*, creates doubt about the veracity of the prosecution story.

4. In the above referred backdrop, considering the period of incarceration of the applicant, which is more than two years, and the fact that charge-sheet has been filed and there is no progress in the trial, I am of the opinion that the applicant is entitled for bail.
5. Though the learned APP is strongly opposing the application, considering the above observations, the application needs to be allowed.
6. Accordingly, 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.308 of 2022, registered with Pandharpur Rural Police Station, District : Solapur for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 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 enter the territorial jurisdiction of Police Station, Pandharpur-Rural, District : Solapur till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station which he shall attend on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till 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 for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.

- vii) 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.

(ANIL S. KILOR, J)