

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

CRIMINAL BAIL APPLICATION NO. 2825 OF 2024

Jidnyasa Jitendra Naikwadi ...Applicants

Pragati Agatrao Hajgude

Vs.

The State of Maharashtra ...Respondent

Mr. Prashant S. Hagare, Advocate for Applicants.

Mr. S. S. Chaudhari, APP for State-Respondent.

Mr. Ashok Raut, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 5th SEPTEMBER, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicants are seeking bail in Crime No.134 of 2023, registered with Supa Police Station, for the offence punishable under Sections 302, 307, 452, 363, 342, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

3) Though, the informant is the deceased who attributed a specific role to the applicants that they pored petrol over the deceased and set

him on fire. However, in a statement given on 14th December, 2023 the wife of the deceased stated that she heard her husband was saying that he would set on fire himself to falsely implicate the applicants in the offence. It has also come on record that the deceased was prevented from doing so however not succeeded.

4) Prima facie it is evident that there was no intention of the applicants to eliminate the deceased for the reason that when they went to the house of the deceased they were not carrying any weapon or petrol which allegedly used in crime. The prosecution story is that the bottle of petrol was available in the kitchen of the deceased.

5) In the circumstances, considering the statement given by the wife of the deceased, I am of the opinion that there is a reasonable doubt about the complicity of the applicants in the alleged offence.

6) In the circumstances, though the learned APP is strongly opposing the application, I am of the opinion that the applicants are entitled for grant of bail. Accordingly, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicants shall be released on bail in Crime No.134 of 2023, registered with Supa Police Station, for the offence punishable under Sections 302, 307, 452, 363, 342, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one solvent surety in the like amount;

iii The applicants shall not enter into the territorial jurisdiction of Supa Police Station till the conclusion of the trial except on the date of trial;

iv. The applicants 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 Applicants 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 applicants commits similar offence.;

vii. The Applicants 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.]