

V/s.

WITH
INTERIM APPLICATION (ST) NO. 19994 OF 2024
IN
CRIMINAL BAIL APPLICATION NO.2934 OF 2024

V/s.

VARSHA
DEEPAK
GAIKWAD

Mr. Satyavrat Joshi with Samay Pawar, Yash Fadtare I.by Reena Prajapati, for the applicant.

Ms. Priyal Sarda with Anant Devkate, for Intervenor.

Mr. Pankaj Deokar, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 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.0817 of 2023, registered with Khed Police Station, Pune Gramin for the

offences punishable under Sections 302, 120-B, 143, 147, 148 and 149 of the Indian Penal Code and under Section 4(25) of the Arms Act.

3. Having gone through the charge-sheet and the relevant material collected by the IO, during the investigation, it is evident that the only allegation against the applicant is of hatching of conspiracy. However, these allegations are based on the statement of co-accused which is the basis to implead the applicant in the present matter.

4. Thus, in the absence of any sufficient evidence to prima facie show the complicity of the applicant in the alleged offence. Though the learned APP and the learned counsel for the informant are strongly opposing the application, I am of the opinion that since the charge-sheet has been filed, further custody of the applicant is not required.

5. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released on bail in Crime No.0817 of 2023, registered with Khed Police Station, Pune Gramin for the offences punishable under Sections 302, 120-B, 143, 147, 148 and 149 of the Indian Penal Code and under Section 4(25) of the Arms Act, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall attend the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., 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 for cancellation of bail in case of any breach of condition or if the applicant commits similar offence;
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

6. The application is disposed of.

7. In view of disposal of the bail application, nothing is survived in the interim application, the same is disposed of accordingly.

(ANIL S. KILOR, J)