

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3121 OF 2024

Mahesh Santosh Mohite, Age 21 years,
Occ.Service, R/o.Beldarwadi, Mhasrul,
Tal. & Dist.Nashik.
(Presently in Central Prison, Nashik)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Akshay Bankapur, Advocate for Applicant.
Mr.Pankaj PDeokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 15th 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.260 of 2023 registered with Mhasrul Police Station, District Nashik, for the offences punishable under Sections 302, 341 r/w 34 of Indian Penal Code.

3. Having gone through the charge sheet and the relevant documents collected by the Investigating Officer during investigation it is evident that Applicant was not named in the FIR and also in the statements of witnesses except in the statement of one Prashant Dambale. Moreover, only one stab injury was found on the person of the deceased and the author of the said injury is accused no.1 who was arrested from the spot by police. In the circumstances even if Applicant was present on the spot, in absence of any material to show any overt act on the part of Applicant in the alleged offence, I

am of the opinion that since charge sheet is filed, further custody of the Applicant is not required. Furthermore, there are no antecedents against Applicant. Therefore, there is no possibility that if the Applicant is released on bail he may commit similar offence.

4. However, considering the apprehension expressed by learned APP while opposing the bail application that if Applicant is released on bail he may pressurize the prosecution witnesses or he may tamper with prosecution evidence, I am of the opinion that purpose would be served if stringent conditions are imposed.

5. At this stage learned counsel on instructions submits that Applicant is ready to abide any condition, if imposed, while granting bail including not to enter into District Nashik.

6. Accordingly, I pass following order :

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No.260 of 2023 registered with Mhasrul Police Station, District Nashik, for the offences punishable under Sections 302, 341 r/w 34 of Indian Penal Code on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Nashik District till conclusion of trial, except for trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 12.00 noon till conclusion of 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 breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)

MST