

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

**CRIMINAL BAIL APPLICATION NO. 3148 OF 2024
WITH
INTERIM APPLICATION NO. 3216 OF 2024**

Shahaji Mugutrao Kakde ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Harshad Nimbalkar, Senior Advocate with Mr. Satyam Harshad Nimbalkar i/b Abhishek Ulhas Arote with Mr. Yash V. Saxena with Mr. Harshwardhan Pawar, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

Mr. Kuldeep Patil with Shailesh Chavan, Adesh Kale, Hrishikesh Avhad.

CORAM:- ANIL S. KILOR, J.

DATED:- 27th 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.283 of 2024, registered with Vadgaon Nimbalkar Police Station, Pune for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506, 201 and 352 of the Indian Penal Code, 1860 and Sections 3/25 of the Arms Act, 1959.

3) The applicant was not named in the FIR and at the time of seeking remand, the reason given for seeking remand of the applicant was that, he tried to disappear the evidence. Thus, at the most, prima facie Section 201 of IPC will attract against the applicant.

4) However, while opposing the present applicant, the learned APP is trying to point out from the supplementary statements, the role of the applicant i.e. he abetted and instigated the other accused persons to kill the deceased.

5) In the above-referred backdrop, it is important to note that the informant is the eye-witness, who is the widow of the deceased and narrated the incident. However, in the FIR there is not mention about the presence of the applicant or any role played by the applicant directly or indirectly.

6) Thus, after the FIR and the remand sought by the police, recording of the supplementary statement and thereby improving the story and coming up with new story to involve the applicant in the alleged offence, creates doubt about prosecution story against the applicant.

7) Thus considering the fact that at the most Section 201 of the IPC will apply against the applicant, considering the age of the applicant who is 70 years old, 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.283 of 2024, registered with Vadgaon Nimbalkar Police Station, Pune for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506, 201 and 352 of the Indian Penal Code, 1860 and Sections 3/25 of the Arms Act, 1959, 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 attend the said Police Station on 2nd September, 2024 till 6th September, 2024 10.00 am and 11.00 am and thereafter 1st day of every month between 10.00 am and 11.00 am, 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 cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

In view of disposal of the Bail application, the Interim Application also stands disposed of.

[ANIL S. KILOR, J.]