

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 3614 OF 2024

Akshay Chandrakant Padale ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

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Mr Akash Pandey a/w Sairuchira Chowdhary, Vishakha Shelar
Advocate for Applicant

Ms Geeta P. Mulekar, APP for the State.

PSI Yuvraj Patil, Baramati Taluka Police Station, Pune Rural

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 24, 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.310 of 2023, registered with Baramati Taluka Police Station, District: Pune for the offences punishable under Sections 302, 201, 120-B of the Indian Penal Code, 1860.
3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that relying upon the inadmissible material i.e. disclosure under Section 27 of the Evidence Act made by the co-accused in

the form of confession wherein he named the applicant, the applicant has been impleaded as an accused. There is no other material except the said statement of the co-accused to show complicity of the applicant in the alleged offence. The applicant is in jail from last about 1½ years and in the meantime, the charge-sheet has been filed.

4. Thus, considering the nature of the allegations and the evidence available against the applicant, I am of the opinion that further custody of the applicant is not required.
5. In the circumstances, though the learned APP is opposing the application, 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.310 of 2023, registered with Baramati Taluka Police Station, District: Pune for the offences punishable under Sections 302, 201, 120-B of the Indian Penal Code, 1860, 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 attend the concerned Police Station on first and sixteenth day of every month between 10:00 am and 11:00 am, till conclusion of the trial, except on the date of the 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 if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) 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)