

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3909 OF 2024

Ajay Pratap Borse ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Akshay H. Bankapur, Advocate for Applicant

Ms Savita M. Yadav, APP for the State.

PN 12112 B.S. More, Jaikheda Police Station.

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CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 17, 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.152 of 2024, registered with Jaykheda Police Station, District: Nashik Rural for the offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860.
3. After going through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that the whole case is based on circumstantial evidence.

The informant i.e. mother of the deceased initially lodged a complaint that her daughter-Meera Sonwane is missing and after one month of it her body was found.

4. The learned APP, while opposing the present application by harping upon the statements of witnesses wherein it is stated that the applicant was staying with the deceased together and there was love affair between them. However, except this statement that there were some relations between the applicant and the deceased, nothing is pointed out to show the complicity of the applicant in the alleged offence.
5. In the circumstances, as the case is based on circumstantial evidence and the evidence which is available, according to me, is not sufficient to *prima-facie* show the complicity of the applicant in the alleged offence, I am of the view that this is a fit case for grant of bail.
6. The learned APP, however, states that if the applicant is released on bail he may pressurize the prosecution witnesses and in that event there would be no fair trial. Thereupon, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition, including the condition not to enter into Baglan Taluka, District : Nashik till conclusion of the trial.

7. Considering the said apprehension I am of the opinion that the same can be addressed by imposing certain stringent conditions.

8. Accordingly, 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.152 of 2024, registered with Jaykheda Police Station, District: Nashik Rural for the offences punishable under Sections 302 and 201 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 not enter the territorial jurisdiction of Baglan Taluka, District : Nashik till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the 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 to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

(ANIL S. KILOR, J)