

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3957 OF 2024

Sachin @ Aprya Ankush Gaikwad ... Applicant

V/s.

The State Of Maharashtra ... Respondent

Mr.Satyavrat Joshi with Ashish Kachole and Reena Prajapati I.by
 Samay Pawar, for the applicant.

Ms. Poonam Bhosale, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 18TH OCTOBER, 2024.

Digitally
 signed by
 VARSHA
 DEEPAK
 GAIKWAD
 Date:
 2024.10.19
 12:35:32
 +0530

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.845 of 2022, registered with Shikrapur Police Station, District : Pune Gramin for the offences punishable under Sections 302 , 504 and 506 of the Indian Penal Code.
3. Having gone through the charge-sheet and the material collected by the IO during the investigation, it is evident that there are eyewitnesses. However, after going through the statements of the witnesses, it is evident that the weapon which was used is Tommy

(steel pipe wheel bots). The deceased was the owner of a puncture shop and the rod which was lying in the shop of the deceased was allegedly used by the applicant in the present offence. The injuries recorded in the postmortem shows that there were contused abrasions.

4. Thus, prima facie it appears that the offence is not a premeditated offence, there was no such intention of the applicant to kill the deceased. There are no antecedents against the applicant and considering the fact that though the charge is framed, on last 24 occasions, before the trial Court the muddemal was not produced.

5. In the circumstances, there is unlikelihood that the trial would be concluded in near future.

6. The learned APP while strongly opposing the application states that if the applicant is released on bail he will create nuisance in the area and also may pressurize the witnesses.

7. Considering the said apprehensions, I am of the opinion that the purpose would be served if certain stringent conditions are imposed. 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 territorial jurisdiction of Pune, till the conclusion of the trial.

8. 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.845 of 2022, registered with Shikrapur Police Station, District : Pune Gramin for the offences punishable under Sections 302 , 504 and 506 of the Indian Penal Code, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall not enter into the territorial jurisdiction of Pune, till the conclusion of the trial;

iv) The applicant shall provide their address and name of the nearby police station to the IO, which they shall attend the said Police Station on 1st and 16th 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;

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 in case of any breach of condition or if the applicant commits similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted

by the trial Court.

9. The application is disposed of.

(ANIL S. KILOR, J)