

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.364 OF 2024

Vikram Ganpat Phadtare	Applicant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION NO.1711 OF 2024

Kakaso Hirachand Phadtare	Intervenor
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In the matter between :

Vikram Ganpat Phadtare	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Aniket Nikam i/by Mr.Amit Icham, Advocate for Applicant in BA.
Mr.Ranjeeth Patil, Advocate for Intervenor.
Mr.Shreeram S.Chaudhari, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 5th July 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.149 of 2023 registered with Malegaon Police Station, District Pune for the offences punishable under Sections 302, 109 r/w 120-B of the Indian Penal Code.
3. The only allegation against the Applicant in the present matter is that he was the part of conspiracy to eliminate the deceased and accordingly accused no.1 Vishal committed murder of the deceased.

4. As far as conspiracy is concerned, there are certain statements of witnesses. However, considering the date on which witness Sharad Taware over heard such conspiracy i.e. 5th March 2023 and in respect of witness Kiran Khande which is of March-2022, no explanation has come forward to prima facie show that after getting the knowledge of such conspiracy they immediately took some steps to make alert to the deceased or to prevent such untoward incident. So at this stage it is not safe to solely rely upon such statements to deny bail to the Applicant.

5. It has come on record that Applicant was not present on the spot when the offense was committed by the co-accused Vishal.

6. Moreover, the Applicant is working in police department and therefore there is no possibility that he would not be available for trial.

7. In the circumstances, though learned APP and learned counsel for Intervenor strongly opposing the application on the ground that Applicant was involved in the conspiracy and there was rivalry between Applicant and the deceased and hence, there was a motive, I do not find favour with such submissions in view of aforesaid observations. Therefore, I am of the opinion that Applicant is entitled for grant of bail.

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No.149 of 2023 registered with Malegaon Police Station, District Pune for the offences punishable under Sections 302, 109 r/w 120-B 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 territorial jurisdiction of Malegaon Police Station, District Pune, 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 12.00 noon and 2.00 pm till conclusion 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 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;

(viii) Interim Application stands dispose off.

(ANIL S.KILOR, J.)

MST