



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 BAIL APPLICATION NO.127 OF 2024

**YOGESH BAPU JAGTAP @ MANOJ
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.Menezes Joslyn A.
APP for Respondent-State : Mrs.P.V.Diggikar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 01.07.2025**

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 27.07.2017 in connection with Crime No.150 of 2017, registered with Dhule City Police Station, Dhule, for the offence punishable under Section 302, 120-B, 504, 506 of the IPC and Section 3/25 and 4/25 of the Arms Act and further added Section 3 (1)(i)(ii), (2), (3), (4) of the Maharashtra Control of Organised Crime Act, 1999.

3] The learned counsel for the applicant relies upon the order dated 07.03.2022 passed by this Court in Bail Application No.1722 of 2021 in the case of Aaba Bhika Jagtap Vs. The State of Maharashtra and submits that the

role of the present applicant is identical to the role of the co-accused, namely, Aaba Bhika Jagtap and this Court has granted bail in favour of Aaba Bhika Jagtap. He further relies upon the order dated 23.06.2025 passed by this Court in Bail Application No.531/2025 in the case of Vikram @ Vikybaba Shamrao Goyar Vs. The State of Maharashtra and submits that this Court has granted bail in favour of Vikram @ Vikybaba Shamrao Goyar on the ground of delayed trial. He further submits that the assault is made at the instance of the co-accused, namely, Vikram @ Vikybaba Goyar, however, this Court by order dated 23.06.2025 has granted bail in favour of the Vikram on the ground of delayed trial. He further submits that the applicant is in jail for a period of about 8 years and there are in all 91 witnesses and only 3 witnesses were examined. Considering the said fact, the bail should be granted in favour of the present applicant.

4] The learned APP relies upon observations made by the trial Court in the order dated 23.12.2022 in para nos.8 and 9, as noted below :

8] I have given thoughtful consideration to the submissions advanced by both the learned advocates. I have also gone through the papers available on record. I have carefully perused say filed by the police. The applicant is resident of Pune district. It is the allegation of prosecution that he is not known at Dhule and for this specific reason accused No. 1 Rajendra Deore @ Bhadra specifically called him to implement the conspiracy. The applicant did keep

watch on the movements of deceased Guddya for some time. He provided the information to accused No. 1 Rajendra and his brothers co-accused Abhay Deore and Bhima Deore. This information helped the aforesaid accused persons to hatch conspiracy to kill the deceased. It is not material that on the day of incident i.e. 18.07.2017 applicant Yogesh had no phone call with accused No. 1 or other co-accused. The prosecution comes with a case that he was in touch with them earlier. Furthermore, motorcycle No. MH-15/CA-4736 used by the accused to run away from the spot was seized in the investigation. It was seized on the basis of memorandum statement given by the application under Section 27 of the Indian Evidence Act. Since the accused is not known to informant or other witnesses being the outsider, it is obvious that his name is not reflected in FIR or statements of witnesses but role of the applicant is crucial for hatching conspiracy and its subsequent implementation.

9] Shri. Chavan has argued that role of accused Aaba and Yogesh to follow the deceased on the day of incident is identical so when Hon'ble High Court granted bail to accused Aaba, present applicant is entitled for parity. From the aforesaid discussion, it becomes clear that role of these two accused persons are not identical. So present applicant cannot claim parity with accused Aaba. For this reason, observations in the reported judgment of Hrishikesh Prakash Mehatre (cited supra) are not helpful to the applicant. The possibility of his jumping the bail also cannot be ruled out. In view of above, I am not inclined to enlarge the applicant on bail...

She further submits that the role of the present applicant cannot be said to be identical to the role of the Aaba as the motorcycle has been seized at the instance of the present

applicant and the motorcycle used to follow the victim and the applicant has given location to the main accused for the purpose of assault.

5] Considering the comparative role of the present applicant and Aaba, as regards Aaba is concerned, it is alleged that he has provided location of the deceased. However, there is no evidence except CDR in case of Aaba. In the case of applicant the alleged role is similar, however, motorcycle is recovered at the instance of the present applicant. The role of the applicant is that he has provided the information as regards the deceased to the other accused and no assault is made by the present applicant. The co-accused, namely, Vikram @ Vikya in Bail Application No.531/2025, has been granted bail by this Court on the ground of delayed trial and Vikram @ Vikya is directly involved in the assault. Considering that the applicant is in jail for a period of about 8 years and the trial Court would take substantial time to conclude the trial and the alleged role of the applicant is providing details of accused and being not directly involved in the assault, the applicant is granted bail. In view of the same, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.150 of 2017, registered with Dhule City Police Station, Dhule, for the offence

punishable under Section 302, 120-B, 504, 506 of the IPC and Section 3/25 and 4/25 of the Arms Act and further added Section 3 (1)(i)(ii), (2), (3), (4) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

6] Needless to say, in case of violation of any of

the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC