

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4694 OF 2024**

Nikhil Shivaji More ... Applicant

versus

The State of Maharashtra Respondent

Mr. Shailesh Chavan with Mr. Prathmesh Bankar and Mr. Sachin Pawar,
Advocate for the Applicant.

Ms. Poonam P. Bhosale, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th MARCH, 2025.

P.C. :

1. By this application, the applicant is seeking bail in Crime No. 4 of 2021 registered with Bhuinj Police Station, Taluka – Wai, District Satara, for the offences punishable under Sections 302, 307, 364, 120-B, 396, 201 read with Section 34 of the the Indian Penal Code 1860 and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act.

2. It is prosecution's case that on 06.01.2021, Bhuinj Police Station had received missing complaint about Mr. Omkar. During investigation of the missing complaint, it is revealed that four unknown persons had kidnapped Mr. Omkar. The incident was witnessed by Gaurav Matkar. It is further alleged that on 8th January 2021, the police apprehended accused Nos. 1 to 4 on the accusation of murder of

Mr. Omkar. It is alleged that they had stolen gold ring and mobile phone of Mr. Omkar. The motto behind the commission of crime was deceased Mr. Omkar used to harass the sister of accused No.1, therefore, at the instance of accused No.1, all accused committed murder of Mr. Omkar. They burned his body at Bhuinj Crematorium and threw the ashes into river. FIR was registered against the accused Nos. 1 to 6. In investigation, it is revealed that police has arrested the applicant in connection with the present crime. The allegations against the applicant are that he has assaulted the witness.

3. Learned counsel for the applicant submitted that co-accused – Shubham Jadhav and Ajay Gaikwad, against whom, same allegations are levelled have been released on bail by this Court (Coram : Anil S. Kilor, J.), hence applicant is entitled for bail on parity. The applicant is behind bar for more than three years, it may take time to conclude the trial, hence, requested to allow the application.

4. Learned APP strongly objected to allow the application. He submitted that the applicant had assaulted the deceased and the first informant. He had active role in crime, hence, requested to reject the application.

5. I have heard both the learned counsel. Perused charge-sheet produced on record. The co-accused against whom same allegations are levelled have been released on bail by this Court (Coram: Anil S. Kilor). The applicant is behind bar around three years, it may take time to

conclude the trial, hence, I am inclined to allow the application and I pass following order.

ORDER

- (i) The applicant be released on bail in C.R.No. 4 of 2021 registered with Bhuij Police Station, Tal – Wai, Dist – Satara on furnishing P.R.Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- (ii) The applicant shall not enter into territorial jurisdiction of Bhuij Police Station, Satara, till conclusion of trial, except on the date of trial;
- (iii) 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, except on the date of 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 for cancellation of bail, in case, the applicant breaches any of the conditions and/or if the applicant commits similar offence;

- (vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

The application is allowed in above terms.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)