

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 754 OF 2024**

Rohit @ Kachya Rajendra Kchare

... Applicant

Versus

State Of Maharashtra

... Respondent

.....
Advocate K.S.Patil a/w. Mr. Shailesh D. Chavan and Mr. Prathamesh Bankar, Advocates for the Applicant.
Mr. Vinod Chate, APP for the State.
D.S. Sonawane, Police Sub Inspector, Deonar Police Station present.

CORAM : SHIVKUMAR DIGE, J.**DATED : 20th JANUARY, 2025.****P.C. :**

1. By this application, the applicant is seeking regular bail in C.R.No. 4 of 2021 registered with Bhuij Police Station, Tal – Wai, Dist – Satara for the offence punishable under Sections 302, 307, 364, 120B, 396, 201 read with 34 of Indian Penal Code and under Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act (for short “MCOC Act”).

2. It is prosecution’s case that on 06.01.2021 Bhuij police station has received missing complaint about Mr. Omkar. During investigation of the missing complaint, it revealed that four unknown persons had kidnapped Mr. Omkar. The incident witnessed by Gaurav Matkar. It is further alleged that on 08.01.2021 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 moto 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 ashesh into river. FIR was registered against the accused Nos. 1 to 6. In investigation it revealed that police has arrested the applicant in connection of the present crime. The allegations against the applicant are that he was present at the incident spot while beating Mr. Omkar by co-accused.

3. It is contention of learned counsel for the applicant that the applicant is behind bar around three years. The co-accused against whom same allegations are leveled has been released on bail by this Court (Coram: Anil S. Kilor, J.) hence applicant is entitled for bail on parity.

4. Learned APP strongly objected to allow the application. He submitted that the role attributed to the co-accused and applicant is different. The applicant was involved in the commission of crime, hence requested to reject the application.

5. I have heard both the learned counsel. Perused charge-sheet produced on record. It has come in the evidence of witness Shoukat Shaikh that when he went to the incident spot where co-accused were beating the deceased with wooden stick, at that time applicant was sitting on sofa. The allegations against the applicant and co-accused Shubham

Jadhav and Ajay Gaikwad who have been released on bail by this Court (Coram: Anil S. Kilor) are the same. In fact the role attributed to these accused are on higher footings than the applicant. The allegations against the applicant that he was present at the time of incident. 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) Bail application is allowed and disposed of.
- (ii) The applicant shall 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 Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The applicant shall not enter into territorial jurisdiction of Bhuij Police Station, Satara, till conclusion of trial, except on the date of 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, 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 for cancellation of bail in case Applicant breaches any of the conditions and/or 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.

(SHIVKUMAR DIGE, J.)

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signed by
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