

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3208 OF 2024

Rohan Bhanudas Yadav	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

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Mr. Sanjeev Kadam, Senior Counsel, with Mr. Shailesh Chavan, Mr. Sagar Kawde, Mr. Prashant Raul, Mr. Sachin Pawar and Mr. Hrishikesh Avhad, Advocate for the Applicant.

Mr. Vinod Chate, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 23.04.2025.

P.C.:

1. This is an application for regular bail.

2. The applicant came to be arrested in Crime No. 706 of 2023 registered at Chikali Police Station, Dist- Pune for the offences punishable under Sections 302, 307, 323, 326, 364, 504, 506, 143, 147, 148 & 149 of the Indian Penal Code, Section 3(1)(i)(ii), 3(2) & 3(4) of the Maharashtra Control of Organised Crime Act, Section 37 r/w 135 of the Maharashtra Police Act and Section 5, 27, 35 & 4(25) of the Arms Act.

3. According to the prosecution, the present applicant is a member of organised crime syndicate formed by co-accused Rahul Yadav. It is the case of the prosecution that

on the date of incident, which took place on 26.10.2023 the deceased and his friends were chitchating at the place of incident. It is alleged that at that time the applicant along with the other co-accused came there and assaulted the deceased by sharp weapons and committed his murder due to previous enmity.

4. I have heard the learned senior counsel for the applicant and the learned APP for the respondent/State.

5. The learned senior counsel for the applicant submits that there is no reference of the present applicant in the statements of the eye witnesses recorded immediately after the incident. It is submitted that in supplementary statements recorded after about one week of the incident they have stated that the present applicant was present along with the other co-accused, however, even in supplementary statements also they have not attributed any overt act to the present applicant. It is submitted that the applicant is aged about 22 years and is in jail for one and half years. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the respondent/State submits that the case is based on direct evidence. It is submitted that though no specific overt act is attributed to the applicant, however, he came along with the other co-accused at the place of incident which shows his involvement in the crime in question. It is submitted that considering the nature of crime the applicant may not be released on bail.

7. I have perused the statement of eye witnesses and their supplementary statements. There is no reference of the applicant in the statements of the eye witnesses. In supplementary statement also they have not attributed any specific overt act to the applicant. There are no other criminal antecedents. Considering the said facts, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 706 of 2023 registered at Chikali Police Station, Dist- Pune for the offences punishable under Sections 302, 307, 323, 326, 364, 504, 506, 143, 147, 148 & 149 of the Indian Penal Code, Section 3(1)(i)(ii), 3(2) & 3(4) of the Maharashtra Control of Organised Crime Act, Section 37 r/w 135 of the Maharashtra Police Act and Section 5, 27, 35 & 4(25) of the Arms Act, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)