

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

CRIMINAL BAIL APPLICATION NO. 3869 OF 2024

Roshan Subhash Kotkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Kajal Upadhyay a/w Ms. Deepika Jaiswal, Mr. H. Avhad,
Adv.Kiran Vyas i/by Adv. S.T. Pandey, Advocate for the Applicant.

Mr. Swapnil V. Walve, A.P.P for the Respondent – State.

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CORAM : N. R. BORKAR, J.

DATE : 6th MARCH, 2025

P.C.:

1. This is an application for regular bail.
2. The learned counsel for the applicant seeks leave to delete Respondent No.2. Leave as sought is granted. Necessary amendment shall be carried out forthwith.
3. The applicant came to be arrested in Crime No. 306 of 2020 registered at Indira Nagar Police Station, District : Nashik for the offences punishable under Sections 302 & 201 of Indian Penal Code, 1860.

4. The applicant is accused No.1 in the aforesaid crime. The applicant was working in the motor garage of the deceased. It is alleged that deceased used to humiliate him and was not paying him his monthly wages and thus the applicant was annoyed with him. It is alleged that on the date of incident, which took place on 12.11.2022 the present applicant with the help of accused No.2, thus assaulted the deceased by spade etc. and committed his murder.

5. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 04.09.2023 in Bail Application No.516 of 2023. By the said order, the applicant was allowed to withdraw the bail application with liberty to file fresh application after six months. The learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that the applicant is in jail for more than four years and the trial is at the very initial stage as the prosecution has examined only two witnesses.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the trial has already

commenced. It is submitted that considering the nature of crime the applicant may not be released on bail.

7. The case is based on circumstantial evidence. The applicant is in jail for more than four years. Though the trial has commenced, it is not likely to be concluded in near future as there are all 40 witnesses. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 306 of 2020 registered at Indira Nagar Police Station, District : Nashik for the offences punishable under Sections 302 & 201 of Indian Penal Code, 1860 on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)