

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

CRIMINAL BAIL APPLICATION NO. 4693 OF 2024

Yogesh Shivdas Patait	...Applicant
Versus	
The State of Maharashtra	...Respondent

....

Mr. Nikhil G. Hire a/w Ms. Sampada S. Patil, Mr. Soham Powar,
Advocate for the Applicant.

Mrs. G. P. Mulekar, A.P.P. for the Respondent – State.

Mr. Ankush B. Navale (P.S.I.) Vadner Khakurdi Police Station,
present.

....

CORAM	:	N. R. BORKAR, J.
DATE	:	11th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 235 of 2024 registered at Vadner Khakurdi Police Station, District: Nashik for the offences punishable under Sections 302, 363, 364, 120-B, 201 r/w Section 34 of the Indian Penal Code.
3. The allegations against the present applicant and other co-accused are of committing the murder of 8 years old girl child. The deceased was residing in the neighbourhood of the

applicant and was friend of his niece. It is alleged that some dispute arose between the deceased and niece of the applicant while they were playing together. It is alleged that the present applicant was thus annoyed with deceased. It is alleged that on the day of incident which took place on 14.05.2024, at about 1:30 a.m., the deceased was sleeping alone in her house as her grandmother with whom she was staying had gone to attend some religious function in the neighbourhood. It is alleged that at that time the present applicant and co-accused came to the house of the deceased. They took her to secluded place and committed her murder.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the case is based on circumstantial evidence. It is submitted that except recovery of stone, there is no other incriminating evidence against the applicant to connect him with the alleged crime.

6. On the other hand, the learned A.P.P for the respondent-State submits that the applicant is involved in serious crime and there is material to connect him with the crime. It is submitted that when the present applicant was arrested scratch marks were found on the person of the present applicant. 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. Prima facie the motive appears to be very weak. 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. 235 of 2024 registered at Vadner Khakurdi Police Station, District: Nashik for the offences punishable under Sections 302, 363, 364, 120-B, 201 r/w Section 34 of the Indian Penal Code on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Malegaon Taluka till conclusion of trial.

- (iv) The applicant shall attend the concerned Police Station within whose jurisdiction he is going to reside, after his release once in a month on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)