

Nikita

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

BAIL APPLICATION NO.5112 OF 2024

Bola @ Jayprakash Jangalaprasad
Kumar

... Applicant

V/s.

The State of Maharashtra

... Respondent

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Date: 2025.07.22
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Mr. Ganesh Bhujbal, for the Applicant.

Ms. A. A. Takalkar, APP for the State.

Mr. Metalwed, PSI, Yavat Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 21st JULY, 2025

P.C.:

1. Heard Ganesh Bhujbal learned Advocate for the Applicant and Ms. A. A. Takalkar, learned APP for the State.
2. Applicant by the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No.862 of 2023 registered with Yavat Police Station, Pune Rural, for the offences punishable under Sections 302, and 201 of the Indian Penal Code, 1860. Said crime is registered as Sessions Case No.214 of 2023.
3. FIR in the present crime was lodged by the Police Patil. Case of the prosecution is that on 24.07.2023, at about 9.30 am, a dead body was found floating in the well situated behind the cattle shed

of Mahadeo Shingare.

4. Mr. Ganesh Bhujbal, learned Advocate for the Applicant submits that the Applicant was arrested on 28.07.2023, on the basis of the statements made by the two witnesses alleging the Applicant was last seen with the deceased. He submits that there is no other material on record to indicate that the Applicant being involved in the crime. He submits that though charge is framed on 21.08.2024, till date the trial has not commenced. He submits that the Applicant does not have any criminal antecedents.

5. Ms. A A. Takalkar, learned APP for the State submits that there is no eye-witness to the said crime, however, there are two witnesses who claim to have last seen the Applicant with the deceased. She submits that the stone was recovered at the instance of the Applicant.

6. I have perused the record with the able assistance of learned Advocates for the parties.

7. Perusal of the charge-sheet reveals that the case of the prosecution is based on the circumstantial evidence. Though, there are witnesses, who allege to have seen the Applicant on the previous evening with the deceased, the case which is based on circumstantial evidence, would at the most give rise to a suspicion, against the Applicant. *Prima facie*, complicity of the Applicant in the crime is not supported from the material on record. The circumstances will have to be established during the course of trial. In view of the said facts, Applicant is entitled to bail.

8. Ms. A. A. Takalkar, APP for the State has expressed

apprehension of the Applicant not being available to face trial, as the Applicant is a resident from the State of Uttar Pradesh.

9. Mr. Ganesh Bhujbal, learned Advocate for the Applicant submits that the Applicant shall abide by all the conditions this Court may impose.

10. Ms. A. A. Takalkar, learned APP for the State, suggest that the Applicant be released on furnishing a PR. bond along with one or two local sureties in the like amount.

11. Mr. Ganesh Bhujbal, learned Advocate for the Applicant, on instructions of the Applicant is agreeable to such condition.

12. In view of the above, the present Bail Application is allowed, on the following conditions:

a) Applicant is directed to be released on bail in connection with C. R. No.862 of 2023 registered with Yavat Police Station, Pune Rural on his furnishing PR bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of Additional Sessions Judge, Baramati.

b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Baramati, in Sessions Case No.214 of 2023 on each date of hearing, unless specifically exempted by the Court.

c) Applicant shall report to the Investigation Officer, Yavat Police Station, Pune, on first Saturday of each month from 10.00 am to 2.00 pm till the conclusion of trial in Sessions Case No.214 of 2023.

d) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

e) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Yavat Police Station, Pune, his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

13. The Bail Application No.5112 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)