

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 207 OF 2025

Yogesh Madhukar Kate

... Appellant

Versus

State of Maharashtra and Anr.

... Respondents

.....

Mr. Ritesh Thobde a/w. Zubi Ansari, Advocate for the Appellant.

Mr. Ashok P. Metkari, APP for the State.

Mr. Harshwardhan M. Pawar, Advocate for Respondent No.2.

B.U. Zol, H.C., Sangola Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATED : 4th JULY, 2025.

P. C. :

1. The bail application of the appellant is rejected by the Trial Court hence the appellant has filed the present appeal.

2. By this appeal, the appellant is seeking regular bail in C.R.No. 533 of 2012 registered with Sangola Police Station for the offence punishable under Sections 103(1), 351(2), 351(3), 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short "B.N.S. Act") and under Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "SC & ST Act") and under Section 135 of Maharashtra Police Act.

3. It is prosecution's case that on 11.07.2024, at about 10.15 p.m. co-accused assaulted brother-in-law of the first informant with sickle and

murdered him. It is alleged that the assailants ran away on the motorcycle of the appellant.

4. It is contention of learned counsel for the appellant that appellant has been falsely implicated in this case. The name of the appellant is not mentioned in the FIR. The allegations against the appellant are that he helped the assailants to run away on his motorcycle. The appellant is behind bar around one year. Investigation is completed, charge-sheet has been filed, hence requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that appellant and co-accused had conspiracy to kill the deceased. Accordingly, co-accused assaulted the deceased with sickle and murdered him. The appellant was present at the incident spot, he took away assailants on his motorcycle it shows the involvement of the appellant in the crime. If appellant released on bail, he may threaten prosecution witnesses hence requested to dismiss the appeal.

6. I have heard all learned counsel. Perused charge-sheet. The appellant's name is not mentioned in FIR. In investigation it revealed that the appellant helped the co-accused who assaulted the deceased to run away from the incident spot. The appellant had not participated in assaulting the deceased. He is behind bar around one year. Investigation is completed, charge-sheet has been filed. Hence I passed following order:

ORDER

- i. The appellant be released on bail in C.R.No. 533 of 2024 registered with Sangola Police Station on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties of the like amount.
 - ii. The applicant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. The Appeal is disposed of.
8. In view of disposal of appeal, pending applications, if any, also disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)