

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.582 OF 2025

Gautam Janardan Borade @ Taklya .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Prashant Pandey a/w. Mr. Dinesh Jadhvani, Ms. Ridhima Mangoorkar, Mr. Krishma Joshi, Mr. Rahul Sinkar and Mr. Pranay Saraf, Advocates i/by W3Legal LLP for Applicant.
 - Ms. Savita M. Yadav, APP for Respondent – State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2025

P.C.:

1. Heard Mr. Pandey, learned Advocate for Applicant and Ms. Yadav, learned APP for Respondent – State of Maharashtra.

2. The issue argued by Mr. Pandey for seeking bail is that entire case of prosecution is based upon a statement of a 9 year old boy who is the younger brother of Accused No.2 in the present crime. He would submit that this statement is recorded 2 months 4 days after discovery of the body of the victim hanging to the tree at the incident spot. He would submit that Applicant is incarcerated in prison since 28.06.2023 solely on the basis of this statement which states that the 9 year old boy saw the accused pulling / hanging a rope on the tree.

3. *Prima facie*, Mr. Yadav would contend that statement of the young boy records that a fight ensued between the parties at 01:00

a.m. in middle of night. She would also contend that there are other statements which have been recorded which she would like to refer to. The same shall be considered. Reason for the delay in recording the statement will have to be given by the prosecution.

4. Stand over to **20th March, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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