

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2837 OF 2024

Laxman Narayan Emnelu

...Applicant

Versus

The State of Maharashtra

...Respondent

with

BAIL APPLICATION NO. 2842 OF 2024

Nagesh Keshavrao Naik

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. S. P. Parulekar, Advocate for Applicant in BA/2837/2024.

Mr. Kuldeep Nikam along with Mr. Prasad Avhad, Advocate for Applicant in BA/2842/2024.

Mr. Prashant P. Jadhav, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th FEBRUARY, 2026.

P.C. :

1. These two applications are arising out of the same crime, hence, I am deciding these two applications by this common order.

2. By these applications, the applicants are seeking regular bail in Crime No. 566 of 2023 registered with Vimantal Police Station, District Pune, for the offences punishable under Sections 302, 201, 120-B, 143, 148, 149, 323 and 404 of the Indian Penal Code 1860 (for short "IPC") and Section 37(1)(3) read with 135 of the Maharashtra Police Act.

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3. It is prosecution's case that on 28th October 2023, the applicants and co-accused murdered the deceased on the ground of monetary dispute.

4. It is contention of learned counsel for the applicants that the prosecution's case is based on circumstantial evidence. The co-accused, against whom similar allegations are made, is released on bail. The statement of the eyewitness is recorded three months after the incident. The applicants are behind bars for more than two years, there is no progress in the trial. Hence, requested to allow the applications.

5. It is contention of learned APP that the applicants murdered the deceased on the ground of monetary dispute. There is an eyewitness to the incident. If the applicants are released on bail, they may abscond or threaten the prosecution witnesses and requested to reject the application.

6. I have heard both learned counsel, perused charge sheet and documents produced on record. The prosecution's case is based on circumstantial evidence. The statement of the eyewitness is recorded three months after the incident. The co-accused, against whom similar allegations are made, is released on bail. The applicants are behind bars for more than two years. It may take time to conclude the trial. Considering these facts, I pass following order:

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ORDER

- (i) The applicants-Laxman Narayan Emnelu and Nagesh Keshavrao Naik, be enlarged on bail in Crime No. 566 of 2023 registered with Vimantal Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.
- (ii) The applicants shall attend the concerned police station as and when required.
- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The applications are allowed in the aforesaid terms and are accordingly disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)