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

BAIL APPLICATION NO.3544 OF 2023

BHAGAT @ INDRADEO DAYARAM PRAJAPATI ..APPLICANT
VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aniketa Aher-Sawant for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. On 29.11.2023 this Court passed the following
order :-

"1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 302, 201 read with 34 of the
Indian Penal Code (hereafter 'IPC' for short) registered on
07.03.2015 vide C.R. No.109 of 2015 with Kolsewadi Police
Station.

3. The applicant is the accused No.1. The applicant was
arrested on 09.03.2015 on the accusation that the
applicant along with accused No.2 committed the murder
of Doodhnath @ Golu Jaiswal. The applicant is in custody
for more than eight years and eight months. The co-
accused No.2 has been enlarged on bail.

4. According to learned counsel for the applicant the case is based entirely on circumstantial evidence.

5. So far as the trial is concerned, only charges have been framed. There are 15 witnesses prosecution proposes to examine. There is no recovery at the instance of the applicant according to learned counsel for the applicant and there are no criminal antecedents reported against the applicant. In this view of the matter, I am inclined to enlarge the applicant on bail.

6. Learned APP however requested for time to take instructions from the Investigating Officer.

7. Considering that the applicant is in pre-trial custody for more than eight years and eight months and for enabling the learned APP to verify the antecedents and the stage of the trial, only by way of indulgence list the application on 30.11.2023 under the caption "for passing orders".

3. Learned APP opposed the application for bail.

4. Learned counsel for the applicant submitted that there are no criminal antecedents reported against the applicant.

5. The charge has been framed by the trial Court. In such circumstances the trial is not likely to conclude soon. Considering that the applicant is in custody for more than eight years and eight months and having regard to the observations made in the order dated 29.11.2023 I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Bhagat @ Indradeo Dayaram Prajapati in connection with C.R. No.109 of 2015 registered with Kolsewadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Kolsewadi Police Station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to

the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not leave the State of Maharashtra without the permission of the trial Court.

(i) The applicant shall not to contact with the witnesses.

6. The application is disposed of.

(M. S. KARNIK, J.)