

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1714 OF 2017**

Yogesh Ramkrishna Kokane

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. A.H. Ponda a/w B.K. Barve, Sandeep Barve, Sheetal Tanpure, Santosh Wagh and Preshit Baghul i/by K. Barve & Co. for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 26th MARCH, 2018.

P.C.:-

This is a successive Application for bail.

2 The earlier Bail Application No. 2139 of 2015 was dismissed as withdrawn by an Order dated 21st January, 2016 passed by this Court, with liberty to the Applicant to file a fresh Application for bail before the Trial Court, if the trial arising out of C.R. No. 70 of 2015 does not commence within a period of one year.

The record indicates that, as the Trial of the said C.R. No. 70 of 2015 did not commence, the Applicant preferred an Application before the Trial Court below Exhibit 36, which has been rejected by an Order dated 27th June, 2017. In the premise, the present Application is filed.

3 Heard the learned counsel appearing for the Applicant and
the learned APP. Perused the record.

4 This is an Application under Section 439 of the Cr.P.C. for
bail in C.R. No. 70 of 2015 registered with Aarey Police Station,
Mumbai dated 22nd May, 2015 under Section 302 read with Section 34
of the Indian Penal Code. The name of the deceased is Raju Shinde.
The record indicates that there was animosity between the Raju
Shinde and the co-accused Suresh Gaikwad and the other accused
over getting a contract for erecting film sets at Film City, Mumbai.
That, in pursuance to the conspiracy hatched on 22nd May, 2015,
accused Nos.4 and 5, Sandip Khairnar and Satish More respectively,
fired at deceased Raju Shinde. Initially, an offence punishable under
Section 307 read with 34 of the Indian Penal Code was registered and
after the death of Raju Shinde on 2nd July, 2015 Section 302 of the
Indian Penal Code is added to the crime.

 During the course of investigation the Applicant came to
be arrested on 25th May, 2015 and after the completion of the
investigation, the police have submitted charge-sheet.

5 As per the prosecution case, the role attributed to the
Applicant is of a conspiracy to commit murder of Raju Shinde and a

fire arm is recovered at the instance of the Applicant. It is submitted that the fire-arm which is recovered at the instance of the Applicant was not used in the crime and the said weapon was given to the Applicant by the Accused No.5-Satish More for keeping it in safe custody. The record further indicates that after passing of the order dated 21st January 2016 by this Court, the Co-Accused namely Jitu Dhivar has been released on bail by this Court by its order dated 14th March, 2017. Another accused namely Jugal Dodhia has also been released on bail by the Trial Court by its Order dated 9th January, 2018.

6 In view of the above, I am inclined to release the Applicant on bail. Hence the following order-

- a) Applicant be enlarged on bail on furnishing P.R.
Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or more solvent local sureties in the like amount.
- b) The Applicant shall report to Aarey Police Station on every first Sunday of the month between 10.00 a.m. to 12.00 noon till framing of charge.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)