

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

BAIL APPLICATION NO. 153 OF 2019

Yogesh Roshanlal Jayswal	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Ganesh Gole i/b Mr. Shirodkar Ateet for the Applicant.
Mr. Prashant Jadhav, A.P.P. for the Respondent – State, absent.
Mr. M.G. Patil, A.P.P. for the State, present.

CORAM : P.N. DESHMUKH, J.

DATED : 22nd APRIL, 2019.

P.C. :

1 Heard learned Counsels for the parties. Perused the copy of charge-sheet, affidavit in reply filed by the prosecution. This application is for bail by one of the accused involved in Crime No.150 of 2017 registered with Dhule City Police Station for the offences punishable under Sections 302, 120(B), 504 and 506 of I.P.C., Sections 3/25 and 4/25 of the Arms Act and Sections 3 and 7 of MCOC Act. Learned Counsel for the applicant submitted that in the entire charge-sheet there is no involvement of applicant except for his vehicle passing from the toll plaza at a particular time when he is said to have transported co-accused in his vehicle. Learned Counsel for the applicant has contended that in fact applicant is a taxi driver by profession and as such he has carried co-accused exclusively

in his capacity as his passenger from Dhule to Nashik. Another aspect relied by prosecution is of applicant's accompanying co-accused when he is said to have visited one shop for buying clothes. It is contended that applicant's accompanying co-accused as such, also does not establish his involvement in the present crime in any manner. It is, therefore, prayed that application be allowed.

2 Apart from merits application is also pressed on parity with co-accused Lakhan Jethe who is granted bail by this Court.

3 Perusal of documents filed in the charge-sheet would reveal that on 18.07.2017 at about 6.15 p.m., co-accused Rajendra Devre had caused death of one Guddya while he was sitting at a tea stall with complainant Shaikh Farukh. It also appears to be the case of prosecution that along with Rajendra Devre, co-accused Bheema, Dadu, brothers of Rajendra Devre, were also present at the time of incident and had inflicted injuries on Guddya.

4 The only incriminating material against applicant is statement of witnesses, of his being present with co-accused for purchasing clothes and the statement of shop owner who has stated that co-accused Lakhan, along with the others visited his shop for buying clothes to them, admittedly co-accused Lakhan is released on bail. Apart from above, there

appears no other material establishing applicant's involvement in this crime.

4 Considering the nature of evidence available against the applicant, and since charge-sheet is already filed. The limited evidence does not makes out the case to curtail the liberty of applicant. Application is, therefore, allowed as per order below:

ORDER

(i) Applicant shall be released on bail in C.R. No.150 of 2017 registered with Dhule City Police Station for the offences punishable under Sections 302, 120(B), 504 and 506 of I.P.C., Sections 3/25 and 4/25 of the Arms Act and Sections 3 and 7 of MCOC Act, on executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;

(ii) While on bail, applicant shall mark his presence with Dhule City Police Station on the first day of each month between 10.00 a.m. to 2.00 p.m. initially for a period of six months and thereafter, quarterly on the first day of each such month, pending trial.

(P.N. DESHMUKH, J.)