

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

CRIMINAL BAIL APPLICATION NO. 322 OF 2019

Tushar Shyam Adhikari

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Rajiv Patil, learned Senior counsel a/w. Mr. Hasan Patel i/b. Sanchita Thakur, Advocate for the Applicant

Mr. S.S. Hulke, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th AUGUST 2019

P.C. :

1 Heard learned senior counsel for the applicant and learned A.P.P. for the Respondent – State.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I – 311 of 2017 registered with the Shahapur Police Station, for the alleged offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3 Learned senior counsel for the applicant submits that the only allegation as against the applicant is that he allegedly took the dead body of deceased - Deepak Aamle, on a motorcycle and threw it in the Tansa River. He submits that there are no allegations of Sections 302 of the Indian Penal

Code qua the applicant.

4 Learned A.P.P. does not dispute the same.

5. Perused the papers. According to the prosecution, the accused No.1 i.e. Deepika Aamle, in conspiracy with accused No.2 - Prasad Sante killed the husband of accused No.1 and thereafter dumped his body in river Tansa. *Prima facie*, it appears that the applicant is not involved in the commission of the offence punishable under Section 302 of the Indian Penal Code. It also appears that the only allegation as against the applicant is that he took the dead body on a motorcycle and dumped it in river Tansa. The applicant has no antecedents. The applicant is in custody since June 2017. Investigation is complete and charge sheet is filed.

6 Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. till the

conclusion of the trial;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)