

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 474 OF 2019

IN

CRIMINAL APPEAL NO. 1018 OF 2013

Kiran Amale ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Swapnil Chopade i/by Mr. Amit Munde for the applicant.

Mr. H.J.Dedhia, APP for respondent State.

**CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI, JJ.**

DATE : JULY 11, 2019

P.C.:

This court has today by an order passed on Criminal Application No. 18 of 2019 rejected the bail application of accused no. 1. This application is taken out by accused no. 5 Kiran in the very same matter.

2. It is not in dispute that as per the prosecution story, Kiran was occupying Swift Car which followed the Scorpio occupied by the victim of the crime and other deceased persons. The prosecution claims that the occupants in the Swift car were continuously in contact with accused no. 1 Pravin and guiding him about the location of the Scorpio. Accused No. 1 Pravin was

coming from the other direction with a dumper. It is claimed that as a part of the conspiracy, accused no. 1 Pravin gave dash with the dumper to the Scorpio killing the occupants therein.

3. Accused no. 3 Harish is a person who hired the dumper in question from PW 62 and made it over to the accused no.1 Pravin who happened to be its driver. The allegation against accused no.3 Harish is of taking money from accused no. 4 Suhas for eliminating the husband of accused no. 7. The said husband was occupying Scorpio and in a dash given by dumper to that Scorpio, he got killed along with other occupants.

4. When this Court has released accused no. 3 Harish on bail, we find it difficult to deny the same to accused no. 5 Kiran. Accordingly, we release the applicant on the following terms and conditions :

(a) The applicant shall execute personal bond in the sum of Rs.20,000/- before the trial court for proper behaviour and for remaining present on due dates before the Court in the present matter with two independent sureties in the like amount.

(b) He shall give address at which he shall always be available during the pendency of this appeal along with his contact numbers.

(c) Similar details in relation to his sureties shall also be

furnished.

(d) He shall not in any way directly or indirectly attempt to contact or pressurize either complainant or any of the witnesses in the matter.

(e) He shall keep vakalatnama of his advocate alive and valid till the appeal is finally decided by this Court and shall not be entitled to any fresh notice at the stage of final hearing.

(f) He shall report to the Superintendent/Registrar of City Sessions Court, Greater Mumbai on first working Monday in every two months as a condition of his release.

(g) His failure to observe any of the terms and conditions shall entitle the respondent State to take him in custody forthwith.

(h) Application is accordingly allowed and disposed of.

(MRS.SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)