

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2179 OF 2018

Ajay Jaipal Walmiki

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Rajiv Patil, Senior Advocate a/w Hasan Patel for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

Mr. V.M. Pawar, Sr. P.I., Ram Nagar, Dombivali.

CORAM : A. S. GADKARI, J.

DATE : 2nd MAY, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-114 of 2017 dated 9th May, 2017, registered with Dombivli Police Station, District Thane under Sections 302, 307, 120(B), 364, 452, 201 143, 144, 146, 147, 148, 149, 323, 504, 506, 506(2) of the Indian Penal Code.

2 Heard the learned Senior counsel for the Applicant and the learned APP. Perused the entire charge-sheet.

The allegation against the present Applicant is that, he participated in the conspiracy hatched by the principal accused Dilip

Bhoir and Shankar Bhoir to eliminate Kishor Chaudhari and was present at the scene of offence when the other accused persons committed the present crime.

3 At the outset, it is to be noted here that, the material pertaining to the participation of Applicant in the conspiracy to commit murder of Kishor Chaudhari is *prima facie* silent from the record.

The presence of the Applicant near the scene of offence is established from the CC TV footage of the Shivamrut Co-operative Housing Society, Cholegaon, Domibivli (East). Except the presence of Applicant in the precincts of the said society, *prima facie*, it appears that no other overt act is attributed to him. The record further indicates that, till date, the test identification parade of the Applicant has not been conducted.

4 The Applicant is in Jail since 20th May, 2017 and after completion of the investigation police have submitted charge sheet. It is submitted that, there are no antecedents at the discredit of the Applicant.

5 After taking into consideration the allegations against the

Applicant, this Court is of the view that, further incarceration of the Applicant in Jail is not necessary and the Applicant can be released on bail.

Hence following order.

- a) The Applicant be released on bail in CR No. I-114 of 2017 dated 9th May, 2017, registered with Dombivli Police Station, District Thane, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend the Dombivli Police Station, on every first Monday of the month between 10.00 a.m. and 12.00 noon till the conclusion of the trial.
- c) The Applicant shall attend each and every date before the Trial Court unless exempted by the concerned Court.
- d) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.

- e) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)