

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 3241 OF 2018**

Dhruvkant Vimal Thakur

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Ms. Anikta Pawar I/by Law Global for the Applicant.

Ms. P.P. Shinde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 6th MARCH, 2019.

P.C.:-

This is a successive Application for bail.

2 Heard Ms. Anikta Pawar, the learned counsel appearing for the Applicant and the learned APP for the State. Perused the record.

3 The earlier Application for bail preferred by the Applicant was dismissed as withdrawn by this Court by its Order dated 7th September, 2017, by granting liberty to the Applicant to file a fresh Application for bail before the Trial Court, if the trial pertaining to the C.R. No. I-234 of 2015 registered with Kamothe Police Station, Navi Mumbai does not commence within a period of one year from that

day.

4 The record indicates that, as the trial did not commence within the said stipulated period, the Applicant preferred a fresh Application for bail below Exhibit-22. The said Application has been rejected by the Trial Court by its Order dated 14th November, 2018 predominantly on the ground that, the Order passed by this Court on 7th September, 2017 was not communicated by the Advocate for the Applicant to the concerned Court and therefore, the trial could not be expedited.

5 The fact therefore, emerges on record that, though the Applicant is in custody since 9th December, 2015 till date the charge is not framed by the Trial Court.

In view thereof, the present Application was again heard on merits.

6 It is the prosecution case that, the Applicant committed murder of his wife Smt. Sushmita and her paramour namely Ajaykumar, on 9th December, 2015 on or before 6.30 a.m. in room No. 201 of "*Vedant Drushti Society*", Kamothe, Navi Mumbai.

The statements of witnesses on record indicates that, after commission of the alleged murders by the Applicant, he came out of

the said flat and requested one witness namely Mr. Poonamchand Bamnawat to call the police as he has committed two murders. The Applicant thereafter, got down from the staircase and met the watchman of the said building namely Mr. Kamal Dalbahadur Singh and demanded water to drink from him. The Applicant further informed the said watchman that, he has committed murders of his wife and her paramour in the said room. The clothes of the Applicant were soaked with blood. The watchman gave a call to the concerned police station and within no time, police reached at the scene of offence and apprehended the Applicant.

7 The record indicates that, after the alleged commission of offence by the Applicant, he did not try to run away from the scene of offence and *prima facie*, it appears that due to the guilty mind he informed his alleged commission of offence to the said two witnesses. The Applicant is in Jail for last more than 4 years and it is submitted that, there are no antecedents at his discredit.

8 In view of the above and in view of the fact that, the trial of the Applicant has still not began, I am inclined to release the Applicant on bail.

Hence, the following order.

- a) The Applicant be released on bail in C.R.No. I-234 registered with Kamothe Police station on his furnishing PR 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 Kamothe Police Station, on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- c) The Applicant shall attend all the dates before the Trial Court, unless precluded on medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

9 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)