

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

CRIMINAL BAIL APPLICATION NO.547 OF 2021

Raman Janu Bhavar and Ors.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Ms. Vrishali R. Raje, Advocate for the Applicants.
Mr. Satish Maneshinde, Special PP for the Respondent – State.
Mrs. J. S. Lohokare, APP for the Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : 15th NOVEMBER, 2021

PC.

1. Leave to amend the crime number as it informed during the arguments by learned Special PP, Mr. Satish Maneshinde that both these offences i.e. Crime No.76 of 2020 and 77 of 2020 are merged together and the trial will be conducted only in Offence No.77 of 2020. Amendment be carried out forthwith.

2. As such, the arrest of the applicants in Crime No.76 of 2020 for the purpose of deciding these applications has rendered infructuous in view of the merger of the two crimes in single sessions case.

3. Needless to clarify, in view of merger of two offences in single sessions case, no separate bail order thereby ordering release of the applicants/accused on the same set of facts in Crime No.76 of

2020 is required, as this very order can be read for technical purpose in the Crime No.76 of 2020 also.

4. After the arrest of all these applicants in Crime No. 76 of 2020 for the offences punishable under Sections 302, 307, 120B, 353, 332, 341, 342, 427, 109, 117, 143, 144, 145, 147, 148, 149, 152, 153, 188, 201, 269, 270, 290, 505(2) r/w 34 of IPC they are seeking regular bail.

5. The prosecution story in brief is as under :-

During covid lock-down, three persons traveling in rural area of Palghar district in late hours were intercepted at a forest check-post.

6. The accused persons misidentified them to be thieves, assaulted and murdered them.

7. As a consequences of above, the prosecution has registered two offences viz. Crime No.76 of 2020 for the offences punishable under Sections 302, 307, 120B, 353, 332, 341, 342, 427, 109, 117, 143, 144, 145, 147, 148, 149, 152, 153, 188, 201, 269, 270, 290, 505(2) r/w 34 of IPC and Crime No.77 of 2020 for the offences punishable under Sections 302, 120B, 427, 147, 148, 149 of IPC.

8. As far as the applicants are concerned, the role attributed after the completion of investigation is that of walking towards the check-post and physical presence at the spot of the incident.

9. Applicant No.1 – Raman, Applicant No.2 – Shankar, Applicant No.3 – Prakash, Applicant No.4 – Ramesh and Applicant No.5 – Sunil were seen to be present at the scene of the offence. However, no specific overt act is attributed to each of them. The cloths recovered from the applicants were not found to be having any blood stains.

10. As such, in the investigation, it is noticed that the only role attributed to the applicants as can be inferred from the charge-sheet is that of their physical presence.

11. As the investigation in the matter is already over and the charge-sheet is filed as also there are no criminal antecedents against the applicants, all these five applicants are deserved to be released on bail on in C. R. No. 77 of 2020 for the offence punishable under Sections 302, 120B, 427, 147, 148, 149 of the IPC on executing P. R. bond of Rs.25,000/- each with one or more sureties in the like amount. Applicants shall neither tamper with the evidence nor directly or indirectly try to influence the prosecution witnesses and the complainant. Applicants shall attend trial regularly. Two consecutive absence of the applicants in the

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sessions trail would lead the prosecution or the Special Court to take out proceedings for cancellation of the bail.

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[NITIN W. SAMBRE, J.]