

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1130 OF 2020

Deepesh @ Mama Arun Bhatiya

Applicant

versus

The State of Maharashtra

Respondent

Mr.Manoj J. Bhatt for applicant.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 9th June 2021

PC :

1. The applicant is arrested on 25-5-2020 in connection with CR No.I-485 of 2020 registered with Mumbra Police Station for offences under Sections 307, 507 r/w 34 of Indian Penal Code and under Sections 3, 25 of Arms Act. The FIR was lodged by Dinesh Kaluram MMundhe on 25th May 2020.

2. It is alleged that the applicant and the co-accused were involved in the incident. The first informant used to lend money to the co-accused. The co-accused was frequently demanding money. The first informant stopped lending money to him. On the day of incident the informant was taken to the place of incident. The co-accused was armed with pistol. He had allegedly fired at the informant. The applicant had instigated co-accused that he should kill the informant.

3. Learned advocate for the applicant submits that there are no criminal antecedents against him. He is in custody for more than a

year. The only role attributed to him is that he had allegedly instigated the co-accused to kill the informant, however, the instigation was undisputedly after the alleged incident of firing.

4. Learned APP submits that specific overt act has been attributed to the applicant. Both the accused were involved in the crime.

5. The applicant was not armed with any weapon. No injury is sustained by the informant. The applicant is in custody for more than one year. There are no criminal antecedents against him. Hence, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Bail Application No.1130 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-485 of 2020 registered with Mumbra Police Station on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Mumbra Police Station once in a month on every first Saturday of the month between 11 am and 1 pm till further orders;
- (iv) The applicant shall not tamper with evidence and shall not approach the informant;
- (v) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(PRAKASH D. NAIK, J.)