

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2035 OF 2022
(modified as per order dt. 6/10/2022)

Amit Ramkumar Soni .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms.Mansha Khemka with Twinkle Khemka, Bhagyashree Upadhyay i/b Khemka and Associates for the applicant.
Mr.S.V.Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 22nd SEPTEMBER, 2022

P.C:-

1 On the last date of hearing, I have recorded the statement of the learned counsel for the applicant that his role is restricted till the four persons were abducted and subsequently, all the four were found to be dead.

2 Though the learned APP Mr.Gavand do not dispute that the applicant is not attributed any role in the murder of the four persons, but he state that the applicant is accused of the conspiracy.

The learned counsel for the applicant, however, state that considering the limited role, there is no recovery of weapon

or any inculpable material from the present applicant, nor it is the case of the prosecution that the applicant was present on the spot when the four persons were done to death, at the most the applicant would be convicted for the offence u/s.364 r/w 34 of IPC.

Another glaring facet to which my attention is invited, is incarceration of the applicant from 8/6/2011 i.e. more than a decade and to be precise, 11 years, 3 months and 15 days. It is submitted that the trial is in progress, and 27 witnesses are examined and six more witnesses are in the pipe line, I do not think that the applicant continue to be incarcerated on that ground even a day more, subject to the undertaking that the applicant shall attend the trial on each date, unless exempted from attendance and with a condition being imposed that any consecutive default on his part in attending the trial, would result in cancelling the bail granted to him, the application deserves to be allowed. Hence the following order :-

ORDER

- (a) The Applicant - Amit Ramkumar Soni in connection with C.R. 129/2011 registered with Kurar Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall attend the trial on all the dates scheduled before the Sessions Court in Sessions Case No.717/2011 on every date unless exempted.

Two consecutive default would permit the prosecution to seek cancellation of bail.

- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)