

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

BAIL APPLICATION NO. 2661 OF 2021

Chandrashekar Ramsagar Gupta alias
Babua

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

**WITH
INTERIM APPLICATION NO. 183 OF 2022
IN
BAIL APPLICATION NO. 2661 OF 2021**

Mr. Rajkumar Lalchand Gupta

.... Intervenor

In the matter between :-

Chandrashekar Ramsagar Gupta alias
Babua

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Niranjan Mundargi with Keral Mehta i/b.

Heramb Kadam for the Applicant.

Mr. Shantanu Phanse for the Applicant in IA/183/2022.

Mr. M.G. Patil, APP for the State.

Mr. M.C. Tadavi, Tuling Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the
aforesaid Applicant who has been arrested in C.R.No.I-225/2021
registered with Tuling Police Station for offences punishable under

sections 307, 201, 120-B r/w. 34 of the Indian Penal Code and sections 3(25), 4(25) of Indian Arms Act.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicant, Mr. Shantanu Phanse, learned counsel for the Intervenor and Mr. M.G. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Pursuant to the First Information Report (FIR) lodged by one Baliram, C.R.No.I-225/2021 was registered at Tuling Police Station against the co-accused. It was the case of the complainant that on 14/02/2021, at about 08:30 p.m., while he and his friend – Rajkumar Gupta were having beer outside his shop, three persons fired gun shots at them. It is to be noted that the first informant as well as the injured had not named the Applicant in the FIR or in the statement recorded under section 161 of Cr.P.C. The first informant had named the Applicant for the first time in the statement under section 164 of Cr.P.C. recorded on 26/04/2021. It is the case of the prosecution that the Applicant suspected involvement of Rajkumar Gupta in murder of his brother in the year 2016. The injured Rajkumar does not say so in his

statement.

4. The only other material relied upon by the prosecution to link the Applicant in the said crime is CCTV footage and CDR. The CCTV footage shows that the three co-accused had visited the office of the Applicant a day prior to the incident. The CDRs for the period from 01/02/2021 to 16/02/2021 also show that the Applicant was in contact with these co-accused much prior to the incident. The Applicant and the co-accused are the residents of the same village and they were known to each other. Hence, such circumstances would not be prima facie sufficient to indict the Applicant and the veracity of the allegations need to be tested during trial.

5. The Applicant is in custody since 16/02/2021. Charge is not yet framed and the trial is not likely to conclude within a reasonable period. In view of these facts and circumstance, particularly the nature of the accusation and the material in support thereof, the Applicant is entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicant who is arrested in C.R.No.I-225/2021 registered with Tuling Police Station, is ordered to be

released on cash bail in the sum of Rs.50,000/- for a period of four weeks ;

- (ii) The Applicant shall, within the said period of four weeks, furnish PR bonds in the sum of Rs. 50,000/- with one or two solvent sureties in the like amount.
- (iii) The Applicant shall report to Tuling Police Station on 1st Monday of every month between 11.00 a.m. to 02.00 p.m. until further orders;
- (iv) The Applicant shall not interfere with the witnesses and/or shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (vi) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms. Interim Application stands disposed of in view of disposal of the Bail Application.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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