

Urmila Ingale

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2022.11.30
18:27:43 +0530

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

BAIL APPLICATION NO. 3195 OF 2021

Dashrath Vitthal Kamble ..Applicant
vs.
State of Maharashtra ..Respondent

Mr.Waqar Pathan h/f Mr. Rahul Arote, for applicant.
Ms. P.N. Dabholkar, APP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2022

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of offence punishable under sections 302, 201, 394 of the Indian Penal Code registered with APMC Police Station in connection with C.R. No. I-252 of 2012.
- 3.** The offence was registered as far back as on 29/12/2012. The applicant was arrested on 04/11/2020. It is alleged that the body of the deceased was found with

several injuries on 29/12/2012. Based on the statement of witness at page 70 of the paper-book, recorded on 19/12/2020, the applicant came to be arrested. The witness stated that sometime in the month of December 2012, he has seen the applicant assaulting deceased with a wooden log on his head. The witness was scared as the applicant had spread terror in the area and therefore he did not report the matter to the police. Then there is a statement of another witness at page 66 recorded on 09/11/2020 who says that the applicant told him that he was the one who killed the deceased. He says that he helped him to keep the body in a rickshaw. He further stated that he was threatened by the applicant.

4. Learned APP submitted that wooden log was recovered at the instance of the applicant. He further pointed out that the applicant was extended for a period of 1 year in the year 2011 and that there are criminal antecedents against the applicant. The applicant has spread terror in the area.

5. Considering that the offence was registered as far

back as in 2012 and it is only in the year 2020 that the statements of the witness have been recorded, prima facie in view the unexplained delay in reporting the matter, it is a case where the applicant deserves to be released on bail. The applicant is being implicated in respect of an incident which happened eight years ago on the basis of the statements of witnesses recorded in 2020. There is nothing to show that the applicant had absconded and in any case, it is only after the statements of the witnesses came to be recorded in the year 2020 that the applicant was arrested. The applicant is in custody since 24/08/2020, for over 2 years and 3 months. Considering the nature of the allegations, and that the charge-sheet is filed, and the period spent by the applicant in custody with no likelihood of trial commencing any further, the applicant can be released on bail by imposing stringent conditions. Hence, the following order.

ORDER

(a) The applicant -Dashrath Vitthal Kamble in connection with C.R.No.I-252 of 2012 registered

with APMC Police Station shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two 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) 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;

(d) The applicant shall attend the trial regularly;

(e) The applicant shall not reside in the area of Navi Mumbai till the trial is over;

(f) He shall report once a month to the Police Station closest to his residence while residing out of Navi Mumbai. The details of residential address and phone numbers to be provided to the Investigating Officer.

6. The application is disposed of.

(M. S. KARNIK, J.)