

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

**BAIL APPLICATION NO. 3239 OF 2022**

Omkar Pradeep Kasekar

...Applicant

Versus

The State Of Maharashtra And Anr

...Respondent

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Mr. Anil Y Bansode a/w Shabnam Shaikh for applicant.

Mr. N.B. Patil, APP for State.

Mr. Ramchandra Mohite, PI, Shil Daighar Police Station, is present.

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**CORAM: M. S. KARNIK, J**

**DATED: DECEMBER 14, 2022**

**PC:-**

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail filed by the applicant - Omkar Pradeep Kasekar, in connection with C.R. No. 160 of 2022, registered with Shil Daighar Police Station, for the offence punishable under sections 302, 397, 396 of the Indian Penal Code, 1860.
- 3.** It seems that on the date of the incident i.e 28/05/2022, the applicant along with 4 other accused in an intoxicated state

booked OLA cab to go back home, as there were no local trains available. Somewhere before Khardi, one of the co-accused namely Swapnil asked the OLA driver to stop the taxi. The OLA driver was forcibly taken out from the car. The accused tried to snatch the mobile phones, wallet and the money which was in the purse belonging to the driver. In the scuffle that followed when the OLA driver tried to resist the assailants, one of the accused assaulted the deceased on his head with a stone. The First Information Report came to be registered on against the accused persons after the dead body was found on 29/05/2022.

**4.** So far as the applicant is concerned, he came to be arrested on the basis of the memorandum statement of the co-accused. The co-accused stated that the applicant was sent to collect mobile phones and the belongings in the OLA cab. When the deceased – Mohammad Ali Abdul Kalam Ansari tried to resist, the other accused got hold of him and assaulted him with the stone. Except the memorandum of the statement of the co-accused there is no incriminating material against the present applicant. There is no recovery from him and the clothes which were seized did not have any blood stains on them. It is submitted that some of the co-

accused (not the applicant) were involved in the same kind incidents in the past.

**5.** So far as the applicant is concerned, there are no criminal antecedents reported against him. Even from the statement of the co-accused it is seen that the applicant was not involved in the actual assault on the deceased.

**6.** In the application, it is stated that the applicant is having permanent roots in Mumbai and hails from good family and therefore, he will not jump the bail if set at large. This submission is not controverted by the respondent.

**7.** The applicant is in custody since 30/05/2022. The charge-sheet has been filed. The case is based on circumstantial evidence. On the basis of the materials available, except the statement of the co-accused, there is nothing incriminating against the applicant. Since the charge-sheet has been filed and the investigation has been completed, no purpose will be served by prolonging the custody of the applicant as there is no possibility of the trial commencing any time soon. The applicant can be released on bail. Hence the following order.

**ORDER**

- (a) The applicant – Omkar Pradeep Kasekar in connection with C.R. No. 160 of 2022, registered with Shil Daighar Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (c) The applicant shall report to the concerned Police Station once in a month on the first Monday of every month between 10.00 am and 12.00 noon till the trial is concluded.
- (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.
- (e) 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 and should not tamper with evidence.

**8.** The application is disposed of.

**(M. S. KARNIK, J.)**