



Diksha Rane

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

BAIL APPLICATION NO.1263/2023

AKASH KUMAR NAYAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Veerdhawal Deshmukh for the applicant.

Ms. Veera Shinde, APP for the State.

Mr. Avinash Mahadik, ASI, Chiplun Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 10, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application through jail for bail in respect of the offence punishable under Sections 302, 397, 201 and 511 of the Indian Penal Code (hereafter 'IPC' for short) registered on 2/1/2019 vide C.R. No.2/2019 with Chiplun Police Station.

3. The date of the incident is 1/1/2019. The accusation is that the applicant being a male was in relationship with the deceased who was also a male. The motive is that the

applicant was in need of money and hence committed the offence. The cause of death is due to head injury. The applicant was arrested on 11/4/2019.

4. Learned APP submitted that a tile which was used for the commission of the offence was recovered at the instance of the applicant. Seven days post the incident the applicant had sold the bracelet and the ring which belonged to the deceased to a goldsmith. A gold chain belonging to the deceased was recovered at the instance of the applicant. There is a statement of one of the witness that the applicant was last seen roaming around in the area where even the deceased was standing.

5. The case is entirely based on the circumstantial evidence. The applicant is incarcerated for more than four years and six months. I am informed that the charge has been framed. The trial is likely to take a long time to conclude. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. No criminal antecedents are reported. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Akash Kumar Nayar in connection with C.R. No.2/2019 with Chiplun Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) 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.
- (d) The applicant shall attend the Investigating Officer of Chiplun police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

- (g) The applicant shall attend the trial regularly.
- (h) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (i) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

7. I appreciate the assistance rendered by Mr.Veerdhawal Deshmukh, learned advocate, who appeared on behalf of the applicant who had filed this application through jail.

8. This order be communicated to the applicant through the jail authorities.

(M. S. KARNIK, J.)