

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

CRIMINAL BAIL APPLICATION NO.338 OF 2023

Dinesh Munna Singh Thakur @Lalla ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Deepak Gautam a/w Ms. Nandini Vasaikar, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

API – Hemant Dhole, Kolsewadi Police Station, Kalyan (East), Thane City, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th AUGUST 2023

P.C. :

1. This is the third bail application preferred by the applicant seeking his enlargement on bail in connection with C.R. No.I-69 of 2018 registered with the Kolsewadi Police Station, Kalyan, District-Thane, for the alleged offences punishable under Sections 302, 212 r/w 34 of the Indian Penal Code; under Sections 4, 27 of the Indian Arms Act and under Section 37(1), 135 of the Maharashtra Police Act

2. The applicant's first bail application was rejected on merits, by this Court vide order dated 27th August 2019 passed in Criminal Bail Application No.1162 of 2019. The applicant's second bail application was withdrawn with liberty to approach afresh, if charge is not framed within a period of one year. The said order passed by this Court is on page 226 of the application.

3. Learned counsel for the applicant states that the applicant is in custody since 3rd February 2018 with no prospect of the trial concluding in the immediate near future. He submits that despite charge being framed on 11th February 2022, there is hardly any progress in the trial. He submits that the applicant is not the main assailant who assaulted the deceased with a knife in his abdomen and thigh, as a result of which the deceased died. He submits that the allegation is that the applicant held the deceased, pursuant to which Taslim Shaikh assaulted the deceased with a knife. According to the learned counsel for the applicant, the applicant had no motive to cause the death of the deceased and that the quarrel was essentially between

the deceased and co-assued - Taslim, two months prior to the incident, over playing of cricket. It is not in dispute that the applicant has no antecedents.

4. Considering the role of the applicant and the fact that the applicant is languishing in custody since February 2018 and having regard to what is stated aforesaid, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing.

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.