



Diksha Rane

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

BAIL APPLICATION NO.593/2023

SURAJ RAMKISHAN GUPTA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. H. S. Gavit for the applicant.

Ms. Veera Shinde, APP for the State.

PI Sadashiv Sawant, Kandivali Police station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 20, 2023.

P.C. :

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

2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 504 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with 3, 25 and 27 of the Arms Act, registered on 1/10/2022 vide C.R. No.1256/2022 with Kandivali Police Station.

3. The incident has happened in the intervening night on 30/9/2022 and 1/10/2022. The applicant was riding a scooter. The applicant is the accused no.2. The accused no.1

was sitting behind the applicant. It is the allegation that the accused were following the complainant. The applicant and the accused no.1 started abusing the complainant. Thereafter, there was some scuffle between those present, the accused no.1 and the applicant. The accused no.1 took out a revolver and started firing indiscriminately. One Ankit Yadav succumbed to the injuries as a result of such firing. Thereafter, the accused fled from the scene. The revolver was recovered from the dicky of the scooter belonging to the present applicant. The recovery was at the instance of the accused no.1.

4. Learned APP opposed the application for bail.

5. Considering the role of the applicant and the manner in which the incident is alleged to have taken place, though the applicant was present in the company of the main accused, *prima facie*, it does not appear that the applicant had any intention to commit an offence under Section 302 of the IPC. The main role is that of the accused no.1.

6. Considering the role of the applicant and the nature of the accusations, in the facts and circumstances of the present case, the applicant can be enlarged on bail. The

applicant was arrested on 2/10/2022 and is in custody for more than 11 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Suraj Ramkishan Gupta in connection with C.R. No.1256/2022 with Kandivali Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Kandivali police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (e) 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.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)