



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

BAIL APPLICATION NO. 669 OF 2023

ARJUN RAMDAS SANAP ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Ameya Lambhate a/w Adv. Arun Mhaske a/w Adv.
Chetan Muley for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI D.N. Ladse, Mulund Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 05, 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, 364, 141, 143, 144, 147, 148, 149 of the Indian Penal Code registered on 09/06/2022 vide C.R. No.382 of 2022 with Mulund Police Station, Mumbai.
- 3.** The applicant was arrested on 20/06/2022. The incident is dated 09/06/2022. There are in all 7 accused.

The applicant is accused No.7. It is the prosecution case that the accused committed the murder of Nilesh. There was some dispute the accused had with Nilesh. The accused tried to force Nilesh to sit on the scooter which was being driven by the present applicant. Nilesh resisted the same. The co-accused assaulted Nilesh.

4. Learned APP opposed the application. Learned APP submitted that the materials on record and the witnesses' statements indicate that the applicant was present and his role can not be separated from the other accused. There is a recovery of the scooter at the instance of the applicant.

5. The actual assailants are the co-accused. There is no accusation that it is the present applicant who assaulted the deceased. There is no recovery of any weapon from the present applicant. The investigation is complete and the charge-sheet has been filed. Considering the role of the applicant, the fact that there are no criminal antecedents reported against the applicant and that the applicant has been in custody for more than 1 year and 3 months with no possibility of the trial concluding any time soon, the

applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Arjun Ramdas Sanap in connection with C.R. No. 382 of 2022 registered with Mulund 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 shall attend the Investigating Officer of Mulund 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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Mumbai/Mumbai Suburban and Thane District

after being released on bail, till further orders of the trial Court.

(g) The applicant shall attend the trial regularly.

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

6. The application is disposed of.

7. 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.

(M. S. KARNIK, J.)