

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 880 OF 2022**

1. Ashokkumar Ramniwas Rai
2. Ramnarayn Singh Kamal Singh

....Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal along with Mr. Kunal Padnekar and Mr. Divesh Mehani, Advocate for the Applicants.
Mr. Y. Y. Dabke, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st AUGUST, 2023.

P.C. :

1. By this application, applicants are seeking bail in C.R.No.131 of 2021 registered with Indiranagar Police Station for offences punishable under Sections 302, 201, 504 read with 34 of the Indian Penal Code, 1860 (for short "IPC").

2. It is the prosecution's case that accused No.3 - Jakir Pirsab Kokani was running Bharat Dairy at Bharat Nagar, Nashik and other co-accused as well as deceased were working with him. The present applicants were responsible for managing the dairy and ensuring the schedule of workers, whereas the deceased was one of the worker in

the said dairy. The incident took place on the intervening night of 7th July 2021 and 8th July 2021 around 1.30 a.m.. On that day, accused Nos.1 to 4 asked the workers including deceased to get up and start working. As it was early morning, deceased refused to work and said that he will work after 5.00 a.m.. Accused No.3 thus got angry and abused the deceased in filthy language and also assaulted him with kick and fist blows on his chest. As a result, deceased fell down on the ground, however, accused No.3 allegedly pressed his neck by feet. As a result, the deceased died on the spot. It is alleged that applicants disposed off the dead body of the deceased. Initially F.I.R. was lodged against unknown persons. On complaint, Police registered offences against the applicants and co-accused.

3. It is contention of learned counsel for applicants that the trial Court has granted bail to accused No.3. who had beaten deceased. Learned counsel further submitted that allegations against present applicants are of disposal of the dead body and not intervening when accused No.3 was beating deceased. Applicants are behind bar for more than 21 months. Hence, requested to allow the application.

4. Learned APP submitted that deceased was beaten up by accused No.3 in presence of applicants but they did not intervene. Deceased died on the spot. Applicants disposed off the dead body of deceased, it shows their involvement in the crime. Earlier bail application filed by applicants before the trial Court was rejected. Hence, requested to reject the application.

5. I have heard both learned counsel.

6. Admittedly, accused No.3 who had beaten up the deceased has been released on bail by trial Court. The role attributed against applicants is, after death of deceased, they disposed off his dead body. Applicants are behind bar for more than 21 months. Considering the allegations against applicants as well as main accused is released on bail, I pass the following order :

- (i) Applicant No.1 - Ashokkumar Ramniwas Rai and Applicant No.2 - Ramnarayan Singh Kamal Singh in Sessions Case No. 444 of 2021 (C.R.No.131 of 2021 registered with Indiranagar Police Station), be released on bail on executing P.B. and S.B. of 25,000/- with one or two sureties.

- (ii) Applicants 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 that person from disclosing such facts to the Court or to any police officer.
 - (iii) Applicants shall not contact the informant or other witnesses.
 - (iv) Applicants shall furnish their identity proof, proof of their current and permanent residence and mobile number/s.
 - (v) Applicants shall not leave India without the prior permission of the trial Court.
7. Application is allowed in above terms and disposed off.
8. All concerned to act upon authenticated copy of this order.

(SHIVKUMAR DIGE, J.)