

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1258 OF 2021

Manoj Bhatu Dongre

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Akshay Bankapur, Advocate for the Applicant.

Ms. Pallavi N. Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.10 of 2020 registered with Wadner Khakurdi Police Station, Malegaon, for offences punishable under Sections 302, 120B and 201 of Indian Penal Code, 1860.

2. It is prosecution's case that first informant's second wife - Jyoti was of loose behaviour, therefore, she used to leave the house and go to some other places. Applicant is the son of first informant from his first wife. Due to behaviour of deceased Jyoti, there was dispute in the family and first informant was under constant stress. It is alleged that applicant had conspired to kill Jyoti and applicant

hatched the conspiracy with co-accused and accused No.4 killed Jyoti by firing bullet at her.

3. It is the contention of learned counsel for applicant that applicant has falsely been implicated in this case. No weapon is recovered at the instance of the applicant, it was recovered from accused No.4. Learned counsel further submitted that the allegations against the applicant are that applicant was a part of conspiracy. No incriminating material is produced on record to show that applicant had conspired to kill the deceased. Applicant is behind bar for more than three years. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that deceased was step-mother of the applicant. Deceased had loose character, on that basis, there was dispute between the family of the applicant. Applicant had hatched conspiracy with co-accused and killed deceased. There is prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

The Trial Court has released the co-accused on bail except

accused No.4. The allegations against the applicant are that he had hatched the conspiracy. Applicant was not present on the spot of incident. To prove conspiracy, evidence is required and it will be a part of trial. Applicant is behind bar for more than three years, yet charge has not been framed. Investigation is completed and charge-sheet has been filed.

6. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.10 of 2020 registered with Wadner Khakurdi Police Station, Malegaon, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)