



Diksha Rane

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

**BAIL APPLICATION NO.1493/2023
(THROUGH JAIL)**

DINESH @ LAVANKUSH NATHULAL
VISHWAKARMA
VS.

..APPLICANT

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ketan A. Dhavle for the applicant.
Ms. Veera Shinde, APP for the State.
ASI Ashok D. Salve, Nhava Sheva Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant who is appointed through Legal Services Authority.
- 2.** Learned APP for the State while opposing the application for bail contended that the applicant is accused of serious offence.
- 3.** This is an application for bail in respect of the offence punishable under Sections 302, 120-B, 201 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.40/2020 with Nhava Sheva Police Station.

4. The date of incident is 18/3/2020. The case of the prosecution is that three accused have killed the deceased who was the husband of the accused no.1. It is alleged by the prosecution that the accused no.1 had an extra-martial affair with the accused no.2. The present applicant is the accused no.3 who was the accomplice of the accused no.2. The material is only in the form of the extra judicial confession. The case is entirely based on the circumstantial evidence.

5. The applicant was arrested on 8/11/2020 and now he is in custody for more than three years with no possibility of the trial concluding any time soon. It is informed that even the charge has not been framed. The investigation is complete and the charge-sheet is also filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be at flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Dinesh @ Lavankush Nathulal in connection with C.R. No.40/2020 with Nhava Sheva Police Station shall be released on bail on his furnishing P.R. Bond

of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Nhava Sheva Police Station once in three months on the 1st Monday between 11.00 a.m. and 1.00 p.m. till further orders starting from January 2024, till the trial concludes.

(e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The copy of this order be communicated to the applicant by the investigating officer of the concerned police station.

6. The application is disposed of.

7. I express my gratitude for the able assistance rendered by the advocate- Mr. Ketan A. Dhavle representing the applicant.

(M. S. KARNIK, J.)