



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

BAIL APPLICATION NO. 2060 OF 2023

ASHISH ANIL WALMIKI

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Ms. Suvarna Avhad Vast a/w Ms. Manali Sohoni and Mr. Deval Yadav,
for the applicant.

Ms. Veera Shinde, APP for the State.

PSI-Mr. Namdev Deshmukh, Dombivali police station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 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, 324, 323, 504, 143, 147, 148, 149 of the Indian Penal Code, 1860, under sections 4 and 27 of the Arms Act, under section 37(1)(3) and 135 of the Bombay Police Act registered on 18/09/2020 vide C.R. No.283 of 2020 with Dombivali Police Station.

3. The date of the incident is 18/09/2020. The applicant was

arrested on 18/09/2020. There are in all 5 accused. The applicant is the accused no.5. Accused no.3 and 4 are enlarged on bail. The applicant is in custody for more than 3 years. The charge has not been framed. The trial is likely to take some time to conclude. The accusations are that the accused assaulted the informant- Raju Shivram Dhotre and Shivaji Khandagale. The role attributed to the present applicant is that he was armed with a sword. The applicant is alleged to have assaulted informant on his back. The informant suffered simple injuries. So far as deceased is concerned, the medical report reveals that he has died due to head injury. The head injury is attributed to co-accused no.1. In the facts and circumstances of the present case and also considering that the applicant is in custody for more than 3 years as a under trial, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ashish Anil Walmiki in connection with C.R. No. 283 of 2020 registered with Dombivali police station

shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.

(d) The applicant shall attend the investigating officer of Dombivali police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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 trial regularly.

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

4. The application is disposed of.

(M. S. KARNIK, J.)