

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

BAIL APPLICATION NO. 3006 OF 2021

Jayesh Naresh Kanojia ..Applicant
VS.
Stater of Maharashtra ..Respondent

Mr. Vinod Kashid, for the Applicant.
Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. 227 of 2018 dated 04/09/2018 registered with MRA Marg Police Station for the offence punishable under sections 302, 114, 34, 120B of the Indian Penal Code, 1860.
- 3.** The incident took place on 04/09/2018. The deceased was the grandfather of the accused no.1. It is alleged that the accused no.1 along with other co-accused committed murder of his grandfather over property dispute. By an order dated 12/12/2018, the co-accused Anand Dilip Roy

(accused no. 5) has been released on bail. So far as present applicant is concerned, the material does not indicate that he is the assailant. The applicant is arrested on suspicion. The applicant has not been identified by any of the witnesses and in fact in test identification parade, there is no identification of the applicant. There is no recovery at the instance of the applicant. There are antecedents reported against the applicant. It is informed that he has been acquitted in all those cases.

4. Learned APP submitted that trial has commenced and some witnesses have been examined. However, considering the incarceration of the applicant which is almost for 4 years and 4 months and having regard to the nature of materials against the applicant, particularly when the co-accused no.5 has been released on bail, the applicant can be released on the ground of parity. Hence, the following order.

ORDER

(a) The applicant – Jayesh Naresh Kanoji in connection with C.R.No. 227 of 2018 dated 04/09/2018 registered

with MRA Marg Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(e) The applicant shall report to the investigating officer once in a month i.e. on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(f) The applicant shall attend the trial regularly.

5. The application is disposed of.

(M. S. KARNIK, J.)