

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

CRIMINAL BAIL APPLICATION NO. 2103 OF 2022

Dinesh Ramjit Yadav
Versus
State Of Maharashtra

...Applicant

...Respondent

Mr. Ayush Pasbola for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.
Mr. Avinash Hatikile -PSI Virar Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 241 of 2022 registered with Virar Police Station, Dist- Mumbai for the offence punishable under Sections 307, 120-B read with 34 of the Indian Penal Code (for short "IPC") and Sections 3, 25, 27 of the Indian Arms Act.

2. It is prosecution's case that on 28th February, 2022, when complainant's father was going on road at that time two persons

came near him and one of them fired at him and both ran away. It is alleged that father-in-law of complainant had earlier tried to kill complainant's father out of family dispute. Hence, complaint was lodged against father-in-law of the complainant. In investigation police have arrested applicant and other co-accused in connection with the present crime.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. The complaint was registered against the unknown persons and identity of the applicant is not established as one of the culprit. The other two co-accused who allegedly conspired to kill the injured have already enlarged on bail. There is no recovery at the instance of the applicant. There is no material to connect the applicant with the alleged crime. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant and absconding co-accused had tried to kill the deceased by firing at him. There is *prima facie* case against the applicant. If applicant is released on bail, he may threaten the prosecution witnesses. Hence,

requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Allegations against the applicant is that out of two persons, who came on bike, the applicant was one of them who tried to kill the father of complainant. There is no recovery at the instance of the applicant. Investigation is completed and charge-sheet has been filed. Applicant is behind bar for more than 1 ½ years.

7. Considering above facts, further detention of applicant is not required.

8. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in Crime No. 241 of 2022 registered with Virar Police Station, District – Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- 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 Saturday between 11:00 a.m. to 2:00 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, witness or any person concerned with the case.
- (v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)