



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

BAIL APPLICATION NO.2203 OF 2023

RAMU RAMSAGAR YADAV ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aniketa Aher-Sawant for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 14, 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, 201 read with 34 of the Indian Penal Code registered on 07/03/2015 vide C.R. No.109 of 2015 with Kolsewadi Police Station, District Thane.
- 3.** The date on which the alleged incident took place is 04/03/2015. There were 4 people named in the FIR. The applicant is accused No.2. It is alleged that the applicant

along with other accused murdered the victim. The applicant was arrested on 14/03/2015 and is now in custody for 8 years and 6 months as an undertrial. The case is entirely based on circumstantial evidence. One of the circumstance mainly against the present applicant is that the neighbour of the deceased had seen the present applicant along with other accused in the company of the deceased prior to the incident.

4. Learned APP opposed the application. It is submitted that the evidence of the neighbour is sufficient to implicate the applicant. It is submitted that the nature of the offence is serious. She submits that the applicant may not be enlarged on bail instead the trial may be expedited.

5. So far as the trial is concerned, I am informed by the learned counsel for the applicant that only charges have been framed and the trial is likely to take some time to conclude. In the facts and circumstances of the present case, considering the long incarceration of the applicant that is for the period of 8 years and 6 months as an undertrial, I am inclined to enlarge the applicant on bail.

The investigation is complete and the charge-sheet has been filed. There is nothing to indicate that there are any criminal antecedents reported against the applicant. Learned APP pointed out that the applicant is a resident of Uttar Pradesh and, therefore, there is every likelihood of him evading trial and therefore, some stringent conditions may be imposed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ramu Ramsagar Yadav in connection with C.R. No. 109 of 2015 registered with Kolsewadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Kolsewadi 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 not leave the State of Maharashtra without prior permission of the trial Court.

(h) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)