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

BAIL APPLICATION NO.2419 OF 2023

RAMESH SURESH DUBLA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Akhilesh Dubey a/w Adv. Dharmesh Joshi a/w Adv.
Akshita Vakharia a/w Adv. Harshni Shah i/b. T. D. Joshi and
Associates for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 6, 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 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 01.03.2019 vide FIR No.51 of 2019 with Gaondevi Police Station.
3. The date of the FIR is 01.03.2019. The incident happened in a tempo. The applicant and the deceased were sitting in the tempo at the back. There was one more tempo

following the tempo in which the applicant and the deceased were travelling. It is the accusation that there was a fight between the applicant and the deceased. In the scuffle that followed, the applicant is alleged to have assaulted the victim on his head with a hammer. The travellers of the tempo who were following the tempo in which the accused was took the victim to the hospital. The victim died after three days due to head injury. The applicant surrendered himself to the police station on the next date of the incident. Initially the offence was registered under Section 307 of the IPC, later Section 302 of the IPC.

4. Learned APP opposed the application for bail.
5. Considering that the applicant is in custody almost for four years and eight months and as though the charges have been framed, I am inclined to enlarge the applicant on bail in the facts and circumstances of the present case as the trial is likely to take a long time to conclude. Prima facie there is nothing to indicate that the incident was pre mediated and appears to have taken place at the spur of the moment. The applicant does not appear to be a flight

risk as on the next day of the incident the applicant had surrendered. There are no criminal antecedents reported against the applicant according to learned counsel for the applicant. The investigation is complete. The charge-sheet is filed. The applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

O R D E R

- (a) The application is allowed.
- (b) The applicant- Ramesh Suresh Dubla in connection with FIR No.51 of 2019 registered with Gaondevi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local/sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Gaondevi police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.

- (e) 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.
 - (f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
 - (g) The applicant shall surrender his passport to the investigating officer.
6. The application is disposed of.

(M. S. KARNIK, J.)