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

BAIL APPLICATION NO.4039/2021

ASHOK KALICHARAN WALMIKI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Niranjan Mundargi a/w. Adv. Keral Mehta i/b. Adv.
Raviraj Paramane for the applicant.

Ms. A. A. Takalkar, APP for State.

PSI K. V. Hasgule, Dombivli Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 16, 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 First
Information Report (FIR) No.I-114/2017 registered with the
Dombivli Police Station, Thane, under Sections 302, 307,
120-B, 452, 201, 143, 144, 147, 148, 149, 323, 504, 506 of
the Indian Penal Code, 1860 (hereafter "the IPC", for short)
read with 3, 25, 27, 30 of the Arms Act.

3. The allegation against the present applicant is that he
was present when the principal accused Dilip Bhoir and

Shankar Bhoir eliminated the deceased Kishor Chaudhari and participated in the conspiracy hatched by the principal accused Dilip Bhoir and Shankar Bhoir. The incriminating material against the applicant is that the present applicant is seen in the CCTV footage of the Shivamrut Co-operative Housing Society, Cholegaon, Dombivli (East) along with the other accused. The applicant was not identified by the first informant in the identification parade. There is no recovery at the instance of the present applicant. There is no overt act attributed to the applicant. The applicant is in custody for more than five years and seven months. The investigation is complete. The charge-sheet has been filed. I am informed that even the charge has not been framed.

4. There is one criminal antecedent reported against the applicant vide C.R.No.32/2017 under Sections 324, 323 read with 34 of the IPC.

5. My attention is invited to the order dated May 2, 2019 passed by this Court in Bail Application No.2179/2018 in respect of the co-accused Ajay Jaipal Walmiki whose role is not absolutely similar, has been granted bail.

6. In my opinion, having regard to the nature of the

materials against the applicant in the present case, merely because there is a criminal antecedent would by itself cannot be a reason to deprive the applicant facility of bail in view of long incarceration in custody.

7. Considering the role assigned to the applicant, the fact the applicant is in custody for more than five years and seven months, the trial not likely to conclude any time soon, the applicant can be enlarged on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant in connection with FIR No.I-114/2017 registered with the Dombivli Police Station, Thane, 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) After his release from jail, the applicant shall attend the Dombivli Police Station, on every first Monday of the month between 10.00 a.m. and 12.00 noon till the conclusion of the trial.

(d) The applicant shall attend each and every date before the trial Court unless exempted by the

concerned Court.

(e) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.

(f) 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.

(g) 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.

(h) The applicant shall reside outside the jurisdiction of the Dombivli Police Station till the trial is over and till further orders of the trial Court except for attending the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)