

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4153 OF 2021
(THROUGH JAIL)**

Anand Omprakash Dulgaj

..Applicant

VS.

The State of Maharashtra

..Respondent

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BHOGALE
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Adv. Tanvi Sawant for the Applicant.

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

Mr. Satam, PSI, Goregaon Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Anand Omprakash Dulgaj in connection with C.R. No.90 of 2011 registered with Goregaon Police Station for the offence punishable under Sections 385, 386, 387, 302, 120-B of the Indian Penal Code, 1860 and under Sections 3, 25, 27 of Arms Act.

3. The date of the incident is 19/03/2011. The applicant

was absconding and he was arrested on 12/08/2017. The main accused -Mukesh Kushalpal Sharma @ Kabir Hussain Noor Isalm Suleman Sardar was tried for the offence and he has been convicted by the judgment and order dated 04/08/2017 passed by the trial Court. It is contended that the applicant is in custody for more than 5 years and 6 months and implicated on the statement of the main accused. Considering that the applicant had absconded and now that the main accused has been convicted, taking an overall view of the matter and having gone through the judgment and order dated 04/08/2017 passed by the trial Court in respect of the main accused-Mukesh, I am not inclined to release the applicant on bail. The applicant was seen alongwith the co-accused prior to alleged incident. The accused No.1-Mukesh fired at the deceased. Considering that the applicant had absconded for a long period of time before he was arrested, I am not inclined to entertain the present application.

4. The application is rejected.

5. I appreciate the assistance rendered by Advocate

Tanvi Sawant, who was requested to appear on behalf of the applicant.

(M. S. KARNIK, J.)