



PMB

13.ba.2762-23.odt

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

BAIL APPLICATION NO.2762 OF 2023

DINESH UMASHANKAR SAROJ ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Vinod Kashid a/w Adv. Sumit Bhoite for the applicant.
Ms. Veera Shinde, APP for the State.
PSI Santosh Shinde, Narpoli Police Station, Bhiwandi.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 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 of the Indian Penal Code (hereafter 'IPC' for short) registered on 10.03.2019 vide C.R. No.134 of 2019 with Narpoli Police Station.
- 3.** The applicant is the accused No.1. There are in all two accused. So far as the accused No.2 is concerned by an order dated 25.08.2023 he was enlarged on bail. The relevant portion of the order reads thus :-

"3. It is alleged that there are two accused. The applicant is the accused no.2. A missing report was filed by the sister of the deceased on 8/3/2019, Mulund Police Station. According to the prosecution, the victim on 6/3/2019, had collected Rs.11,20,000/- from the clients. After collecting the money, he had gone to the house of the accused no.1. The accused no.1 and the present applicant conspired and killed him. It is alleged that after killing the deceased, they filled him in a gunny bag and loaded it on a tempo and threw him in Kharegaon creek. There is a recovery of Rs.1,50,000/- from the present applicant.

4. So far as the nature of the evidence is concerned as against the applicant, the case is entirely based on the circumstantial evidence. The charge has been framed but the trial is yet to commence. The applicant is in custody almost for four years and four months with the possibility of the trial concluding any time soon is remote. The applicant was 25 years of age when the alleged offence was committed. There are no criminal antecedents reported against the applicant. Looking at the entire material against the applicant and in view of the long incarceration, the applicant can be enlarged on bail."

4. From the applicant a sum of Rs.9,70,000/- was recovered. No doubt there is a recovery from the applicant.

5. Learned APP submitted that the applicant had a motive to commit the offence as he was the friend of the deceased. The victim had gone to the house of the present applicant after collecting the money. Learned APP submitted that the applicant was aware that the victim had large sum of money with him and the motive being to rob the victim of the money, the applicant killed him.

6. The prosecution case is that both the accused conspired and killed the victim. As the co-accused has been enlarged on bail, on the ground of parity even the present applicant can be enlarged on bail. The applicant was arrested on 13.03.2019 and is in custody for more than four years and six months. I am informed that the applicant is from Banaras. I am informed that the charge is framed but the trial may take a long time to conclude. In the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing some stringent conditions. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Dinesh Umashankar Saroj in connection with C.R. No.134 of 2019 registered with Narpoli Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Narpoli 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 not leave Mumbai/Mumbai Suburban district without leave of the trial Court.

(g) The applicant shall surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)