

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

CRIMINAL BAIL APPLICATION NO. 3015 OF 2022

Ramesh Ganpati Pimple

....Applicant

Versus

The State of Maharashtra

....Respondent

Mr. Vivek Arote for the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 309 of 2019 registered with Shahapur Police Station, Dist - Thane for the offence punishable under sections 302, 460, 396, 412, 414 of Indian Penal Code (for short "IPC").

2. It is prosecution's case that on 20th July 2019 at about 8:15 a.m. when the complainant was at his residence Ms. Deepika came to his house and informed him that when she had been to the house of

Suresh Nujaje, she noticed that both the hands and legs of Suresh Nujaje were tied, she tried to call him or awake him under the perception that he might be slept or unconscious, but there was no response from him. After getting closure to the Suresh, she noticed wounds on his hands, legs and abdomen. Therefore, she rushed towards the informant and intimated the incident. Thereafter, informant and other persons from village went to the house of Suresh i.e. Om Bungalow. When they reached in the house of Suresh, they noticed that all the articles in the rooms of that Bungalow were lying scattered and Suresh was lying under wooden bed and his leg were tied with towel and both the hands were tied by red shirt. The complainant gave information about the said incident to the police. Police came to the incident spot. They checked Suresh. He was dead. The complaint was filed alleging that some unknown persons with an intention to commit theft / robbery entered the Bungalow and killed Suresh. In investigation, police arrested applicant and co-accused in connection with the present crime.

3. It is contention of learned counsel for the applicant, the allegations against the applicant are that at the time of dacoity

applicant was standing outside Bungalow of Suresh and he was keeping watch. It is alleged that at the instance of applicant, TV stolen from the house of deceased Suresh is recovered. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. It is contention of learned APP that the applicant and co-accused have committed dacoity in the house of Suresh. They robbed articles and amount more than Rs. 1,80,400/- from his house and murdered the Suresh. Applicant was standing outside the said Bungalow and he was keeping a watch. It shows involvement of applicant in the said crime. The learned APP further submitted that at the instance of applicant TV is recovered which was stolen from the house of Suresh. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet. It is alleged that at the instance of applicant TV is recovered which was stolen from the house of Suresh. In inventory of robbed articles from house of deceased Suresh there is no mention of

theft of T.V. It is alleged that at the time of crime applicant was standing out side the Bungalow of deceased. There is no recovery of gold ornaments at the instance of applicant. Applicant is behind bar for more than 2 ½ years. Investigation is completed and charge sheet has been filed.

6. Considering the role attributed to the applicant, further detention of applicant is not required.

7. In view of above, I pass following order.

ORDER

(i) Applicant be enlarged on bail in Crime No. 309 of 2019 registered with Shahapur Police Station, District – Thane, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
- (v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)