



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

BAIL APPLICATION NO. 3175 OF 2023

LAXMANKUMAR @ PAPPU

SHANKARLAL JOSHI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ashish Satpute for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

PSI Sanjay Mali, Kalyan, Crime Branch, Unit-3.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 02, 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, 394, 341, 120-B, 450 and 34 of the Indian Penal Code and Sections 37(1) read with 135 of the Mumbai Police Act and Sections 4, 25(1B)(b) of the Indian Arms Act, registered on 24/05/2015 vide C.R. No.111 of 2015 with Nijampura Police Station, Thane.
- 3.** The date of the incident is 23/05/2015. There are in

all 5 accused. Accused No.1 is the wife of the deceased. Accused No.1 died during the pendency of the trial. It is the prosecution's case in brief that accused No.4 was working as a cook for accused No.1. Accused No.1 and her husband (the deceased) were quarrelling frequently and did not get along well. Accused No.1, therefore, requested accused No.4- her cook to help. Accused No.4 in turn asked accused No.5 if he could help accused No.1. Therefore, accused No.1 sought help of the accused No.4 to plan the elimination of her husband. Accused No.5 is the one who introduced the main assailants accused Nos. 2 and 3 who are the contract killers, to accused No.1. Accused No.5 was well aware of the intentions of accused No.1. Accused Nos. 2 and 3 were given the contract by accused No.1 to kill her husband.

4. Learned APP opposes the application. The learned APP submits that the trial is now at an advanced stage and 12 witnesses have already been examined. My attention is invited to the report of PSI dated 01/11/2023, wherein it is stated that only 6-7 witnesses remain to be examined. It is

further submitted that though the application for bail is made on the ground of long incarceration, considering that the trial has commenced and the same is at a fag end and having regard to the gravity of the offence, the trial Court may be directed to expedite the trial within a time bound manner.

5. I am not making any observations on the merits of the respective contentions at this stage as the trial is ongoing. Suffice it to observe that the applicant is in custody since 23/08/2015 for a period of 8 years. The trial, though has commenced, 6 to 7 witnesses are yet to be examined. I am informed by the learned counsel for the applicant that the trial is now transferred from Sessions Court at Thane to District Judge-1 and Additional Sessions Judge at Bhiwandi. The applicant is not the assailant. In my opinion, the trial is likely to take still some more time to conclude. In the facts and circumstances of the present case and on the ground of long incarceration, particularly considering the fact that there is no question of the applicant now tampering with the evidence as the material witnesses have been

examined, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Laxmankumar @ Pappu Shankarlal Joshi in connection with C.R. No.111 of 2015 registered with Nijampura 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 Nijampura police station once in a week, every Sunday of the week 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/her 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 Thane District after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)