

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

CRIMINAL BAIL APPLICATION NO. 3271 OF 2022

Ankit Amrutlal Parmar
Versus
The State Of Maharashtra

...Applicant

...Respondent

Mr. M. K. Kaharekar for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 302 of 2021 registered with Padgha Police Station, Dist – Thane, for offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that, police found unknown person’s dead body lying near Supreme Company road, Tadvali village. Accordingly, Police registered A.D.R. In investigation, it revealed that, name of deceased was Dilip Ramchand Pal. Applicant

and co-accused hatched conspiracy and they had taken away the deceased at village Saape. It is alleged that co-accused Vijay assaulted deceased with knife, he died due to said assault. FIR was lodged against the co-accused and applicant.

3. It is contention of learned counsel for the applicant that, applicant has been falsely implicated in this case. The name of applicant is added in this crime on the extra judicial confession made by the co-accused to his father, which is weak point of evidence. Learned counsel further submitted that, in the complaint no role is attributed to the applicant. Only it is mentioned that, applicant was present at the time of incident. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. Learned APP submitted that, there was conspiracy between applicant and co-accused Vijay to kill the deceased. Accordingly, both taken away the deceased with them and co-accused assaulted the deceased with knife and murdered him. Applicant was present at the time of incident. It shows his involvement in the crime. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Applicant's name added in the crime on the basis of extra judicial confession. In the said confession, it is mentioned that applicant was present, when incident had happened. No role is attributed to the applicant. There is no recovery at the instance of applicant. Applicant is behind bar for more than two years. The prosecution's case is based on circumstantial evidence. Investigation is completed and charge sheet has been filed.

7. Considering above facts, no further detention of applicant is not required.

8. In view of above, I pass following order

ORDER

(i) Applicant be released on bail in Crime No. 302 of 2021 registered with Padgha Police Station, Dist-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 not tamper with the evidence and/or influence the prosecution witnesses.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.
10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)