

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3069 OF 2022

Ranjit Dilip Salve

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Advocate Arya Sapre i/b. Mr. Kaushik Mhatre for Applicant.
Mr. Y. Y. Dabke, APP for Respondent-State.
.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. I-775 of 2021 registered with Virar Police Station for the offence punishable under Sections 302 read with 34 of Indian Penal Code, 1860 (for short "IPC").
2. It is the prosecution's case that in the intervening night of 05.09.2021 and 06.09.2021 at around 3.00 a.m. complainant's brother Nishant Kadam was assaulted by 14 to 15 persons with weapons. In the said assault his brother died. In investigation Police has arrested Applicant and co-accused in connection with this crime.

3. It is the contention of learned Counsel for Applicant that, the sole eye witness of the incident is Rohit More who has seen the incident and in his statement he has not mentioned the name of the Applicant. Applicant's name is added in the present crime as per the disclosure statement of co-accused Chandrabhan Chauhan and Hamid Shaikh. Learned Counsel further submitted that the other co-accused have been released on bail by this Court (Coram: M.S.Karnik, J.). Applicant's role was similar as of co-accused. Hence requested to allow the Application.

4. It is the contention of learned APP that Applicant was present at the time of crime. In disclosure statement, co-accused has taken the name of Applicant, at the instance of Applicant the blood stained clothes of Applicant were recovered. It shows his involvement in the crime. Hence, requested to reject the Application.

5. I have heard both the learned Counsel.

6. Perused the FIR and charge-sheet. Allegations against the Applicant are that he was present along with other co-accused at the time of incident. At the instance of Applicant, Police has seized his blood stained clothes and mobile. The role of Applicant is of the similar to that of co-accused who has been granted bail by this Court. There is no criminal antecedents of the Applicant. The

investigation is completed and charge-sheet has been filed. Applicant is behind the bar more than almost one year. Considering the above fact, his further detention is not required.

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

ORDER

- (i) Applicant be enlarged on bail in C.R.No. I-775 of 2021 registered with Virar Police Station, 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 Monday of the month between 11.00 a.m. to 3.00 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, witnesses or any person concerned with the case.

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.)

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KILAJE

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by SONALI
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