

D.A.Ethape

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

CRIMINAL BAIL APPLICATION NO. 3885 OF 2022

Prashant Ramesh Salvi	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Ravi Dwivedi Advocate for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th SEPTEMBER, 2023

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P.C.:

1. By this application, the applicant is seeking bail in Crime No.216 of 2021 registered with Kherwadi Police Station, Mumbai for offences punishable under Sections 302, 120(B), 201 read with 34 of the Indian Penal Code, 1860 ('IPC' for short), Sections 4 and 25 of the Arms Act and Section 37(1)(A) of the Maharashtra Police Act.

2. It is prosecution's case that, on 16th May 2021 about 01:15 am when the informant namely Dilip M. Khatri was coming back from Vakola Chitra Nagar, he saw one person lying on the ground and two persons were stabbing him on his head, face and hand by the sharp weapons in their hands. Third person was standing on the road with the motorcycle/scooter. It is alleged that, after seeing that incident, he tried

to stop them but one of the assailants saw him with anger. Hence, he ran away from the place of incident and went to Kherwadi Police Station and narrated it to the police. After receiving information, police came to the spot and took the injured to hospital for treatment but Doctor declared him dead. During investigation in connection of this crime, police arrested co-accused and applicant. Police has recovered CCTV footage of the said incident.

3. It is contention of learned counsel for the applicant that, no role is attributed to the present applicant in the said crime. The identification parade of co-accused and applicant was taken. In the said identification parade, the applicant was not identified by the complainant. In the CCTV footage, the applicant was found standing near the alleged spot. There is no recovery at the instance of the applicant except his clothes. The applicant is behind bar for more than two years. Hence, requested to allow the application.

4. Learned APP submitted that, the applicant was involved in the crime. CCTV footage of the said crime shows that, the applicant was present at the place of incident with motorcycle/scooter. It shows that, he had been with common intention with other co-accused. In the statement of Vijaylaxmi Upadhyay, she has stated that, the applicant was present at the spot which shows involvement of the applicant. Hence, requested to reject the application.

5. I have heard learned counsels of both parties.
6. Admittedly, FIR was lodged against three unknown persons. There is a CCTV footage of alleged incident. In the said CCTV footage, the applicant is visible and it shows that he was standing on the road. The complainant has alleged that, two persons were assaulted the deceased whereas one was standing with motorcycle/scooter. In the identification parade, the applicant is not identified by the complainant. The applicant is behind bar for more than two years. No specific role is attributed against the applicant. Considering above facts, further detention of the applicant is not required.
7. In view of above, I pass the following order:

ORDER

- (i) The applicant be released on bail in Crime No.216 of 2021 registered with Kherwadi Police Station, Mumbai on executing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The 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 not tamper with the evidence and/or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iv) The application is allowed in the aforesaid terms.

[SHIVKUMAR DIGE, J.]