



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

BAIL APPLICATION NO. 3890 OF 2023

VAIBHAV@PINTU DHANANJAY

BIJEWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Shailesh Kharat for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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, 397, 120-B and 364 of the Indian Penal Code, Section 3(25) of the Indian Arms Act and Section 37(1)(3) of the Maharashtra Police Act registered on 21/05/2019 vide C.R. No.76 of 2019 with Talegaon MIDC Police Station, Pune.

3. The applicant was arrested on 05/06/2019. There are in all 4 accused. The applicant is accused No.1. It is the prosecution's case in brief that these 4 accused booked an Ola cab with the intention of robbing the driver.

4. The application is opposed by the learned APP. It is submitted that the accused hatched a criminal conspiracy to rob and kill the cab driver. It is the role attributed to the present applicant that he assaulted the victim with fist blows and aided the co-accused in killing the victim. There is a gunshot injury attributed to accused No.4.

5. The case is based on circumstantial evidence. The applicant is in custody for more than 4 years and 5 months. Though the trial has commenced, only one witness has been examined so far. The prosecution proposes to examine around 22 witnesses though the list submitted shows more number of witnesses. The trial is likely to take a long time to conclude. According to the learned counsel for the applicant, there are no criminal antecedents reported. Considering the long incarceration of the applicant as an undertrial and in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Vaibhav @ Pintu Dhanajay Bijewar in connection with C.R. No.76 of 2019 registered with

Talegaon MIDC Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Talegaon MIDC police station once in a month every first Monday of the month 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 contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

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

(g) The applicant shall not leave the state of Maharashtra without prior permission of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)