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

BAIL APPLICATION NO.3952 OF 2023

RAJBHADUR RAMASHANKAR YADAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. A. Karim Pathan a/w Adv. Sana Shaikh i/b. Adv. Kalam
Shaikh for the applicant.

Mr. Y. Y. Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 18, 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, 504, 323, 341, 34 of the
Indian Penal Code (hereafter 'IPC' for short) and under
Sections 37(1), 135 of Maharashtra Police Act registered on
29.04.2022 vide C.R. No.559 of 2022 with Oshiwara Police
Station.

3. There are in all three accused. The applicant is the
accused No.2. The applicant was arrested on 29.04.2022.

Over a petty quarrel it is alleged that the accused were annoyed with the acquaintance of the deceased and so also the deceased. The incident happened on 29.04.2022 at around 1.15 p.m. It is alleged that after the quarrel, the main assailant i.e. Rajesh Yadav brought with him a knife and stabbed the deceased.

4. Learned APP while opposing the application for bail submitted that the applicant's complicity is implicit. The applicant held the hands of the deceased which helped the main assailant stabbing the victim.

5. The role attributed to the applicant is that he held the hand of the deceased. The applicant is not the assailant. The question whether the applicant shared a common intention will be a subject matter of trial. There is no recovery from the applicant. 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-Rajbhadur Ramashankar Yadav in connection with C.R. No.559 of 2022 registered with Oshiwara Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Oshiwara Police Station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Oshiwara Police

Station after being released on bail, till the trial concludes.

(h) 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.)