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

**BAIL APPLICATION NO.3978 OF 2023**

RAKESH ARVIND MORE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Anjali R. Awasthi a/w Adv. Aamir Khan for the  
applicant.

Ms. Rutuja Ambekar, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : DECEMBER 14, 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, 397, 120B read with 34 of  
the Indian Penal Code (hereafter 'IPC' for short) registered  
on 10.03.2018 vide FIR No.0049 of 2018 with Kalamboli  
Police Station.

**3.** There are in all two accused. The applicant is the  
accused No.1. The applicant was arrested on 11.04.2018.  
It is the case of the prosecution that the deceased was in

the business of running lottery tickets. The motive is attributed to the accused No.2. It is alleged by the prosecution that the accused No.2 had taken money from the deceased. The deceased was insulting the accused No.2 every now and then in front of other people as the accused No.2 was not returning his money. The accused No.2 therefore took the help of accused No.1 in the commission of the offence. Accused No.2 is enlarged on bail.

**4.** Learned counsel for the applicant informs that even the charge has not been framed. The trial is likely to take a long time to conclude. Learned counsel for the applicant submitted that there are no criminal antecedents reported against the applicant. Learned counsel for the applicant invited my attention to the memorandum statement of the accused No.2. She made an attempt to submit that the memorandum statement of the accused No.2 clearly reveals that the accused No.2 used the hammer to assault the victim. It is not possible to rely upon the memorandum statement of the accused No.2. Accused No.2 has been enlarged on bail.

**5.** Learned APP submitted that the assault by the applicant has been brutal. My attention is invited to the injury certificate which indicates the injuries suffered by the deceased. Learned APP submitted that there is recovery of the hammer which is the weapon used for the commission of the offence from the present applicant. There is also recovery of blood stained clothes at his instance.

**6.** The applicant is in custody for more than five years and eight months. On the ground of long incarceration and as even the charge has not been framed with no possibility of the trial concluding any time soon, I am inclined to enlarge the applicant on bail in the facts and circumstances of the present case. The applicant does not appear to be a flight risk. Hence, the following order :-

**ORDER**

(a) The application is allowed.

(b) The applicant-Rakesh Arvind More in connection with FIR No.0049 of 2018 registered with Kalamboli 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 is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Kalamboli Police Station once in a month every first Monday 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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

**7.** The application is disposed of.

**(M. S. KARNIK, J.)**