

Arjun

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

BAIL APPLICATION NO.1714 OF 2023

Yogesh Manohar Mestry

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. A. S. Khandeparkar, Senior Counsel a/w Mr. Rohit P. Mahadik, Vaibhav S. Kulkarni & Farhan Sheikh i/b Khandeparkar & Associates, for the Applicant.

Ms. Mahalakshami Ganapathy, APP, for the Respondent-State.

Mr. Sachin Vasant Sawant, Police Inspector, Guhagar Police Station, Ratnagiri.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JANUARY 04, 2024**

P.C.:

1. Heard Mr. Khandeparkar, learned Senior Counsel appearing for the Applicant and Ms. Ganapathy, learned APP for the Respondent-State.

2. This is an Application under Section 439 of the *Criminal Procedure Code, 1973*, for regular bail. The relevant details are as follows:-

Sr. No.	Description	Details
1	Name of the Applicant with Age	Yogesh Manohar Mestry (Accused No.2) Age:-39 years

2	C. R. Number	FIR No.63 of 2019
3	Name of Police Station	Guhagar Police Station, Ratnagiri
4	Date of Registration of FIR	14/08/2019 at 1:20 p.m.
5	Section Applied	302 of the Indian Penal Code, 1860
6	Date of Incident	13/08/2019 to 14/08/2019
7	Date of Arrest of Applicant	26/11/2019
8	Date of filing of Charge-sheet	20/02/2020 Charge-sheet filed under Sections 302, 460, 380, 34 of the Indian Penal Code, 1860

3. This is a case where name of the Accused is not mentioned in the FIR. The only evidence against the present Applicant i.e., Accused No.2 is the recovery of jewelry which has been sold to a jeweler. Even if prosecution's case is accepted, the main role is of Accused No.1 i.e., Sagar D. Salvi, who has assaulted the deceased with a sickle. The Applicant was arrested on 26th November 2019. It is an admitted position that the trial has not even commenced.

4. Ms. Ganapathy, learned APP states that the charge has been framed, whereas Mr. Khandeparkar, learned Senior Counsel, on instructions, states that even the charge is not framed.

5. In any case, there are 25 witnesses. It is an admitted position that the recording of evidence has not started. The

Accused has incarcerated for more than four years. The trial is unlikely to be concluded soon and will require significantly long time.

6. Mr. Khandeparkar, learned Senior Counsel states that the Applicant is residing at Village-Medha, Taluka-Malvan, District-Sindhudurg and witnesses are from Taluka-Guhagar, District-Ratnagiri. He further states that the Applicant will not enter Taluka-Guhagar, District-Ratnagiri.

7. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following Order:

ORDER

- (a) The Application is allowed.
- (b) The Applicant - Yogesh Manohar Mestry in connection with C.R. No.63 of 2019 [S. C. No.91 of 2020] registered with the Guhagar Police Station, Ratnagiri shall be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall not enter the area covered under the jurisdiction of Taluka-Guhagar, District-Ratnagiri on being released on bail, except when summoned by the Investigating Officer.
- (d) 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.
- (e) The Applicant shall report to the Malvan Police Station, District-Sindhudurg once every week between 11.00 a.m. and

1.00 p.m. till the conclusion of trial. The details thereof be furnished to the Investigating Officer by the Police Inspector of Malvan Police Station.

- (f) 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/her from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.
- (g) The Applicant shall regularly attend the trial. The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

[MADHAV J. JAMDAR, J.]