



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 135 OF 2024

Dharmaraj Kamlesh Goswami ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Manisha M. Jadhav, Advocate for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.
Mr. Suhas Kharmate, API, Wada Police Station, present.

CORAM : MADHAV J. JAMDAR, J.
DATED : 23rd JANUARY 2024

P. C.

1. Heard Ms. Jadhav, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1. C. R. No.	63 of 2019
2. Date of Registration of F.I.R.	07/03/2019
3. Name of Police Station	Wada Police Station - Palghar
4. Section/s invoked	302, 201 and 34 of the I.P.C., 1860
5. Date of Incident	07/03/2019
6. Date of Arrest	08/03/2019
7. Date of filing of Charge-sheet	28/05/2019

3. As per the prosecution case, the Applicant and the deceased were both working together as labourers at Jagdamba Steel Company. The Applicant had borrowed an amount of Rs.6,000/- from the deceased-Chetram Medilal Rawat. The deceased, amidst several co-workers, demanded that the Applicant return the said borrowed amount of Rs.6,000/- at the time of payment of wages and therefore, a quarrel broke out between the Applicant and the deceased. Feeling humiliated by the said demand made by the deceased in public, the Applicant and the co-accused-Rajjanlal Kisanlal Rawat, took the deceased to a spot behind the premises of the said company in the evening at around 7.00 p.m. on the pretext of consuming liquor. Here, the Applicant and the co-accused assaulted the deceased with a cement block and stone after the deceased became inebriated.

4. The said offence occurred on 7th March 2019. The present Applicant and the co-accused have been arrested on 8th March 2019. The case is only of circumstantial evidence. The Charge-sheet has been filed on 28th May 2019.

5. Ms. Jadhav, learned Counsel appearing for the Applicant submitted that although the case had been listed on 88 dates before the learned Trial Court, however, there is no progress in the trial and

even the charge is also not yet framed. As per the Charge-sheet there are 35 witnesses. There are no criminal antecedents against the Applicant.

6. Ms. Jadhav, learned Counsel appearing for the Applicant states that as the Applicant is a permanent resident of Uttar Pradesh and for being available for attending the trial, he will reside at C/o. Rajesh Rambrij Gupta, Room No.1330, Krishna Nagar, Narpoli, Anjur Phata, Kharbao Road, Bhiwandi, District-Thane, Maharashtra – 421 305.

7. The Applicant does not appear to be at risk of flight.

8. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Dharmaraj Kamlesh Goswami be released on bail in connection with C. R. No.63 of 2019 registered with the Wada Police Station, Taluka-Wada, District-Palghar on his furnishing P. R. Bond of Rs.10,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to

the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Wada Police Station, Taluka-Wada, District-Palghar once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

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

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

9. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]