



Diksha Rane

24.ba.1248-24.doc

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

BAIL APPLICATION NO.1248 OF 2024

RAJUBHAI RAMBHAI AAGATH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ranjeet H. Patil a/w. Adv. Sumitkumar S. Nimbalkar,
Adv. Kalpana V. Chate for the applicant.

Mr. B. B. Kulkarni, APP for the State.

API Chawdary, DCB-CID, Unit - X.

CORAM : M. S. KARNIK, J.

DATE : MARCH 26, 2024

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, 201, 364, 364 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.I-623/2019 with Andheri Police Station (C.R.No.224/2019, DCB-CID, Unit-X).

3. The applicant is the accused no.3. The role of the applicant is that when the deceased was kidnapped by the accused, the applicant was driving the car. The prime accused Jayantibhai Bhailalal Patel has been enlarged on

bail by the order dated 8/11/2023. The relevant portion of the order dated 8/11/2023 in respect of the prime accused Jayantibhai Patel in Bail Application No.3509/2023 reads thus:-

“2. This is an application for bail in respect of the offence punishable under sections 302, 201, 364, 365 read with 34 of the Indian Penal Code, 1860 registered on 20/10/2019 vide C.R. No.623 of 2019 with Andheri police station.

3. Learned APP opposed the application for bail. There are 3 accused. The applicant is the accused no.1. The FIR is dated 20/10/2019. The applicant was arrested on 12/12/2019. The case of the prosecution in brief is that one Parimal Singh had taken a loan from the present applicant. The deceased was the Mediator who had introduced the said Parimal Singh to the present applicant. The said Parimal was not returning the money along with the interest to the applicant. Neither the said Parimal or the Mediator (deceased) was responding to the phone calls of the applicant. The son-in-law of the present applicant filed a case under section 138 of the Negotiable Instruments Act against the said Parimal. Annoyed by the fact that the money which the applicant had given to the Parimal had not been returned, it is alleged that the applicant with the help of the accused nos.2 and 3 killed the deceased. Learned APP submitted that the applicant had a motive to kill the deceased. It is further submitted that apart from the statement of Parimal, there is a statement of a caretaker of the farmhouse of the applicant who says that some persons had visited the farmhouse. In effect, learned APP tried to make out a case of a last seen together theory. The body of the deceased was identified by one of the relative.”

4. It is also brought to my notice that the co-accused Gopal Lilabhai Parmar has been enlarged on bail considering that the prime accused has been enlarged on bail and as the role of the co-accused Gopal Parmar was not more than the prime accused.

5. The applicant was arrested on 12/12/2019. The

applicant is in custody for more than four years and three months. I am informed that even the charge has not been framed. The trial is unlikely to conclude any time soon. The case is based on the circumstantial evidence. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant.

6. Learned APP while opposing the application for bail submitted that the applicant while in custody tried to escape, when he was once brought to the Court. The applicant was apprehended immediately. An offence has been registered against him. It is, therefore, submitted that there is every possibility of the applicant absconding if enlarged on bail.

7. In my opinion, the applicant should not be deprived of the facility of bail altogether considering that now he is in custody for more than four years and three months. I propose to impose stringent conditions while enlarging the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Rajubhai Rambhai Aagath in connection with C.R. No. I- 623 of 2019 registered with Andheri police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the investigating officer of Andheri police station once in a month on every first Saturday of the month between 1.00 p.m. and 2.00 p.m. commencing May 2024.

(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.

(h) The applicant shall not leave the State of Maharashtra without permission of the trial Court.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)