

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

CRIMINAL BAIL APPLICATION NO. 1268 OF 2024

Laxman Janaku Vayal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar, Mr. Kunal Pednekar, and Mr. Divesh Mehani, Advocates, for the Applicant.
Mr. P.P. Deokar, APP, for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 24th April 2024

P. C.

1. Heard Mr. Vagal, learned Counsel for the Applicant and Mr. Deokar, learned APP 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.	577 of 2021
2.	Date of registration of F.I.R.	16 th October 2021
3.	Name of Police Station	Manchar, District-Pune
4.	Section/s invoked	302, 120(B) of <i>I.P.C., 1860</i> ; 4, 25, 27 of <i>Arms Act, 1959</i> .
5.	Date of incident	16 th October 2021
6.	Date of arrest	17 th October 2021
7.	Date of filing of Charge-sheet	January 2022

3. As per the prosecution case, the deceased and the Accused are related to each other. There was a dispute regarding ancestral lands resulting in an enmity between these two families. As per the prosecution case, due to the said enmity, the Accused No.1-Amar Laxman Vayal, Accused No.2-Bharat Janaku Vayal and Accused No.3-Laxman Janaku Vayal (the present Applicant) committed murder of the deceased-Sanjay Vayal. Sanjay Vayal had filed the complaint regarding the construction made by the Accused as an un-authorised construction.

4. It is the contention of Mr. Vagal, learned Counsel for the Applicant that the co-Accused i.e. Accused No.1-Bharat Vayal has been granted bail by a learned Single Judge (N. R. Borkar, J.) by Order dated 31st January 2023. He submitted that the Charge-sheet shows the only allegation against the present Applicant is of conspiracy. He submitted that the main role of assault is attributed to the Accused Amar Vayal. He submitted that the Applicant was arrested on 17th October 2021 and therefore, the Applicant is incarcerated since more than 2 years and 6 months. He submitted that there is no progress in the trial and even the Charge is not framed yet. Mr. Vagal states that there are no antecedents.

5. On the other hand, Mr. Deokar, learned APP vehemently opposed the Bail Application. He pointed out the statement of witness-Abhijit Bhagwan Yelwar (page-131), which shows that the Applicant is involved in the conspiracy to commit the offence of murder of the

deceased. He therefore submitted that the Bail Application be rejected. On instructions, he submitted that there are no other antecedents.

6. Perusal of the record shows the incident took place on 16th October 2021, F.I.R. was lodged on 16th October 2021 and the Applicant was arrested on 17th October 2021. The Charge-sheet was filed in January 2022. Till date, there is no progress in the trial and even the Charge is not framed yet. As per the Charge-sheet, there are about 23 witnesses proposed to be examined by the prosecution. The Applicant is incarcerated since more than 2 years and 6 months. There is no further progress in the trial and therefore it is clear that the trial will take considerable time to conclude.

7. The co-Accused i.e. Bharat Janaku Vayal has been released on bail by a learned Single Judge (N. R. Borkar, J.). Paragraphs 4, 5, and 6 of the said Order are relevant and the same are reproduced herein below:

“4. According to the prosecution, on 16th October 2021, the present applicant and other co-accused committed the murder of the deceased due to previous disputes.

5. According to the prosecution, Shafiq Suleman Inamdar is an eye-witness to the alleged incident.

6. I have perused the statement of said eye-witness. He has not attributed any role to the present applicant in the alleged incident. I am therefore inclined to release the applicant on bail. Hence, the following order is passed.”

Thus, it is clear that parity is applicable to the present Applicant.

8. There are no other antecedents.
9. Mr. Vagal, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within Taluka Ambegaon, District-Pune and that the Applicant will reside at the house of Bharat Janaku Vayal, At Post-Narayangaon, Taluka-Junnar, District-Pune.
10. The Applicant does not appear to be at risk of flight.
11. The Applicant does not have any criminal antecedents.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
13. In view thereof, the following order:-

ORDER

(a) The Applicant – Laxman Janaku Vayal be released on bail in connection with C.R. No.577 of 2021 registered with the Manchar Police Station, District-Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local sureties in the like amount.

(b) The Applicant shall not enter Taluka Ambegaon, District-Pune after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the

trial.

(c) 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.

(d) The Applicant shall report to the Narayangaon Police Station, Taluka-Junnar, District-Pune once every month, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Narayangaon Police Station, Taluka-Junnar, District-Pune to communicate details thereof to the Investigating Officer.

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

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

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

(h) The Applicant shall surrender his passport, if any, to

the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the prima facie observations made in this Order.

[MADHAV J. JAMDAR, J.]