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

BAIL APPLICATION NO.1394 OF 2024

ARUNKUMAR NANDLAL SHARMA	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Pandit Kasar for the applicant.
Mr. B. B. Kulkarni, APP for the State.
PSI-Shubhangi Dipak Pawar, Bazar Peth Police Station,
Kalyan.

CORAM : M. S. KARNIK, J.

DATE : APRIL 29, 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, 307, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 4, 25 of the Arms Act registered on 12.09.2016 vide FIR No.168 of 2016 with Bazar Peth Police Station, Kalyan.
3. There are in all five accused. The applicant is the accused No.4. The applicant was arrested on 17.09.2016.

The date of the incident is 12.09.2016. The case of the prosecution is that the present applicant along with the accused Nos.1 to 3 had a land dispute with the deceased. The accused armed with sharp edged weapons like koyta and spade entered the house of the deceased. The accused assaulted the deceased. When the injured victim i.e. the wife of the deceased woke up and asked the accused as to why they are assaulting the deceased, the present applicant gave a blow with the spade on the face of the injured witness as a result of which she suffered a grievous injury. From the statement of the injured witness it appears that it is the other accused and not the applicant who assaulted the deceased.

4. Learned APP while opposing the application for bail submitted that the trial be expedited.

5. The applicant is now in custody for more than seven years and seven months. The trial though has commenced, is unlikely to conclude any time soon. There are no criminal antecedents reported against the applicant. There is a recovery of spade at the instance of the applicant.

Considering the nature of the accusations and the materials against the applicant and the circumstance that the applicant has spent the period of more than seven years and seven months in the custody as an under-trial prisoner, I am inclined to enlarge the applicant on bail. To allay the apprehension of learned APP that the applicant might threaten the victim, I propose to impose stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Arunkumar Nandlal Sharma in connection with FIR No.168 of 2016 registered with Bazar Peth Police Station, Kalyan 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 shall attend the Investigating Officer of Bazar Peth Police Station, Kalyan once in three months every first Monday of the concerned month between 11:00 a.m. and 1:00 p.m. commencing May 2024.
- (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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Thane District after being released on bail, till the trial concludes.

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

6. The bail application is disposed of.

(M. S. KARNIK, J.)