



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

BAIL APPLICATION NO. 1646 OF 2023

SANTOSH RAGHUVIR SINGH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. V.S.Tiwari, Ms. Priti Tiwari, Ms.Priya Muthupandi, for the Applicant.

Mr. S.H.Yadavm APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 02, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is a 2nd application for bail in respect of the offences punishable under sections 302, 504, 506(2) read with 34 of the Indian Penal Code, 1860, under sections 4,25 and 27 of the Indian Arms Act as well as under sections 37(1)(A), 135 of the Maharashtra Police Act registered on 19/07/2020 vide C.R. No.218 of 2020 with Tilaknagar police station, Mumbai.

3. The 1st bail application was withdrawn on 07/01/2023. Liberty was granted to apply afresh after 6 months depending upon the progress of the trial. The applicant was

arrested on 20/07/2020. The applicant is now in custody for more than 3 years and 6 months. I am informed that there is no progress in the trial as even the charge has not been framed. There are no criminal antecedents reported against the applicant.

4. There are in all 4 accused. The applicant is the accused no. 4. So far as the incident in question is concerned, the eye-witnesses say that the applicant has participated in the assault on the victim along with other accused. Co-accused no.3 - Akshay Pradip Rewale who is alleged to have assaulted the victim by fist and kick blows has been enlarged on bail. So far as present applicant-accused no.4 is concerned, the eye-witnesses say that he was armed with a knife and has inflicted stab injuries on the leg of the injured. The injuries on the vital part of the body are attributed to the other accused. I have gone through the PM notes. The cause of death is hemorrhage and shock due to multiple stab injuries. Undoubtedly, the applicant had played a role in assault.

5. Learned counsel submitted that there is no recovery of weapon from the present applicant. According to learned

APP there is recovery of blood stained clothes at the instance of the applicant and eye-witnesses have accounted for the participation of the applicant and his involvement in the assault.

6. Learned APP opposed the application by contending that the applicant played an active part in assaulting the victim.

7. Since the withdrawal of the last bail application, almost for a period of 1 year, there has been no progress in the trial. Even charge has not been framed. The applicant is now in custody for more than 3 years and 6 months with no possibility of trial concluding any time soon. There are no criminal antecedents reported against the applicant. There is nothing on record to indicate that the applicant is at a flight risk. Learned counsel for the applicant submitted that the applicant is willing to stay outside the area of Mumbai/Mumbai Suburban District during the pendency of the trial to allay the apprehension of learned APP that the applicant may threaten the witnesses. This statement can be accepted. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to

conclude. I am inclined to enlarge the applicant on bail.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Santosh Raghuvir Singh in connection with C.R. No. 218 of 2020 registered with Tilaknagar police station 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 Tilaknagar police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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 the area of Mumbai/Mumbai Suburban District after being released on bail, till the trial concludes as per the statement made by learned counsel for the applicant on instructions.

(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 country 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.)