



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

BAIL APPLICATION NO. 1657 OF 2023

ROSHAN LAXMAN DHULE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Nitin Sejpal a/w Ms. Pooja N. Sejpal, Ms. Akshata Desai,
Mr. Siddharth Gharat, for the Applicant.

Ms. Megha Bajoria, APP for the State.

Mr. Nilesh Mohan Wani, HC, Neral police station, Raigad
present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 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 read with 34 of the Indian Penal Code, 1860 registered vide First Information Report (FIR) No.I-359/2022 on 04/12/2022 with Neral Police Station, District- Raigad.
3. The applicant is the accused no.2. The date of the incident is 03/12/2022. The FIR was registered on

04/12/2022. The applicant was arrested on 07/12/2022. The allegation against the accused who are 6 in number by the complainant is that his brother-in-law deceased Harisinh Rajput was riding his motorcycle from Neral to go to his shop at Kashele. On 03/12/2022 at 7.15 p.m. while Harisinh Rajput was going to Neral on his motorcycle, some unknown persons murdered Harisinh by attacking him with a sharp edged weapon. The deceased was the owner of the jewellery shop. The gold chain of the deceased was robbed. The chain was recovered from the accused no. 1. There is no recovery from the present applicant. Learned APP submitted that tower location indicates that the applicant was present at the spot. It is further submitted that one day prior to the incident, the applicant was seen in the company of the accused no.5 consuming liquor. It is further submitted that call record shows that the applicant was in constant touch with the other accused which indicates his complicity with the offence in question.

4. The prosecution case is based on the circumstantial evidence. There is no recovery from the applicant of the stolen goods or weapon. The weapon used was recovered

from some other accused. There are no criminal antecedents reported against the present application. The applicant, in my opinion, can be enlarged on bail, considering that the applicant is in custody for more than 1 year and 2 months, since the date of his arrest on 07/12/2022. The trial is not likely to conclude any time soon. The investigation is complete. The charge-sheet has been filed. Learned counsel for the applicant on instructions submitted that the applicant will not reside in the Raigad district and he will stay in Murbad. I am inclined to enlarge the applicant bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant- Roshan Laxman Dhule in connection with FIR No. I-359 of 2022 with Neral police station, District-Raigad 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 report to the investigating officer of the concerned police station once in a month 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 Raigad 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.

5. The application is disposed of.

(M. S. KARNIK, J.)