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

BAIL APPLICATION NO.2201 OF 2023

JANARDAN VITTHAL KARALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Gaurav Parkar a/w Adv. Avantika B. Deshkar for the
applicant.

Mr. S. A. Walve, APP for the State.

Mr. Nilesh Mohan Wani, HC, Neral Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 28, 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, 396, 120-B of the Indian
Penal Code (hereafter 'IPC' for short) registered on
04.12.2022 vide C.R. No.359 of 2022 with Neral Police
Station.

3. The applicant is the accused No.1. The applicant was
arrested on 07.12.2022. The co-accused – Roshan Laxman
Dhule was enlarged on bail by this Court by an order dated
22.02.2024 in Bail Application No.1657 of 2023. The

relevant portion of the order dated 22.02.2024 reads

thus :-

"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.”

4. The prosecution case is based on circumstantial evidence. It is submitted by learned APP that the applicant is a master mind. It is submitted that the applicant who is the accused No.1 was a friend of the father of the deceased who was well aware of the jewellery which was displayed in the shop by the father of the deceased. It is submitted that the applicant passed on the information about the movements of the deceased who was to carry jewellery to the other accused.

5. The applicant does not appear to be the actual assailant. The allegations of assault and causing death of the victim are against the co-accused. There are no criminal antecedents reported against the applicant. While opposing the application, learned APP submitted that the applicant was in contact with other accused as CDR reveals, and further that he was in the company of the other accused as per the tower location. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case as the case is based on

circumstantial evidence, considering the role of the applicant and that the applicant is in custody for more than one year and two months since the date of his arrest on 07.12.2022 with no possibility of the trial concluding any time soon I am inclined to enlarge the applicant on bail. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Janardan Vitthal Karale in connection with C.R. No.359 of 2022 registered 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.

6. The application is disposed of.

(M. S. KARNIK, J.)