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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2790 OF 2023**

ARVIND KRUSHNA SINHA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Seema S. Dighe a/w Adv. Shubham Sane h/f Adv.
Priyal G. Sarda for the applicant.
Mr. S. A. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 28, 2024.

P.C. :

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

1. This is an application for bail in respect of the offence punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code (hereafter 'IPC' for short) and under Section 135 of the Maharashtra Police Act registered on 20.01.2023 vide C.R. No.37 of 2023 with Faujdar Chawadi Police Station, Solapur.

2. The applicant is the accused No.2. There are in all five accused. The date of the incident is 19.01.2023.

3. The application is opposed by learned APP. It is submitted that the applicant had caught hold of the deceased and hence taken an active part in the offence. According to learned APP, the applicant shared a common intention with the main accused No.1 who stabbed the deceased.

4. The accused No.3-Dilshad Shamshad Khan approached this Court for bail. By an order dated 11.10.2023 in Bail Application No.2752 of 2023 accused No.3-Dilshad Shamshad Khan has been enlarged on bail. For convenience the order is reproduced which reads thus :-

"2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 324, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 135 of the Maharashtra Police Act, 195, registered on 19/1/2023 vide First Information Report (FIR) No.37/2023 with Faujdar Chawadi Police Station, Solapur.

3. The applicant is the accused no.3. There are in all five accused. The date of the incident is 19/1/2023. It is alleged that the accused assaulted the victim as well as his acquaintances over the dispute of Rs.8000/- which according to the accused the victim owed to one of the accused.

4. Learned APP while opposing the application for bail submitted that the accused had come prepared to commit the murder of the victim. My attention is invited to the statement of the first informant which reflects an incident dated 18/1/2023 where threats were given by the accused

about the consequence if the money is not returned.

5. The incident took place on 19/1/2023 at 3.30 p.m. The accused no.1 inflicted one stab blow on the chest of the deceased. The accused no.2 is also supposed to be the assailant. So far as the present applicant is concerned, who is accused no.3, the role attributed to him is giving fists and kicks blows to the injured witnesses. Prima facie, it does not seem that the applicant assaulted the deceased. No such role is attributed to him.

6. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Considering the role of the applicant and the fact that the applicant is in custody from 20/1/2023 with no possibility of the trial concluding any time soon, there being no criminal antecedents reported against the applicant, in the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing conditions."

5. In the present case, the role attributed to the present applicant is that he caught hold of the deceased. There is no recovery from the present applicant. Whether the applicant shared a common intention with the accused No.1 who is the main assailant will be of course a subject matter of trial. The applicant is the resident of Koliwada, Mumbai. The applicant was arrested on 20.01.2023 and is now in pre-trial custody for more than one year. The investigation is complete and the charge-sheet has been filed. The trial is not likely to conclude any time soon. There are no criminal antecedents reported against the applicant. The applicant

does not appear to be a flight risk. Considering the role of the applicant, I am inclined to enlarge the applicant on bail.

Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Arvind Krushna Sinha in connection with C.R. No.37 of 2023 registered with Faujdar Chawadi Police Station, Solapur, 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 Faujdar Chawadi Police Station, Solapur, once in a month, every first Monday of the month between 11.00 a.m. and 1.00 p.m. till trial concludes.

(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 jurisdiction of Faujdar Chawadi Police Station, Solapur, after being released on bail and till further orders of the trial Court.

(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 State of Maharashtra without permission of the trial Court till the trial is over.

6. The application is disposed of.

(M. S. KARNIK, J.)