



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

BAIL APPLICATION NO. 2911 OF 2023

RADHAKRISHNA MUNDRIKA KUSHWAHA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr.Hitesh Jain a/w Mr.Dhiraj Tiwari and Mr.Rajat P. Shukla, for
Applicant.

Mr.B.B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 26, 2024

P.C. :

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

2. This is the second bail application. By an order dated
28/02/2023, the first bail application i.e. Bail Application No.
2356 of 2022 was allowed to be withdrawn with liberty to
apply after 6 months if the trial does not progress
substantially. I am informed that the charge was framed as
far back as on 28/07/2023, but there has been no progress
in the trial since then.

3. This is an application for bail in respect of the offence
punishable under sections 302, 201 read with 120B of the
Indian Penal Code, 1860 and under sections 3, 25, 27 of the

Arms Act along with under section 37(1), 135 of the Maharashtra Police Act registered on 12/10/2018 vide C.R. No.63 of 2018 with Dadar police station, DCB, CID Unit (OPS).

4. The applicant is the accused no.1. The applicant was arrested on 15/10/2018.

5. The application is opposed by learned APP. It is submitted that the accusations are serious and there are materials against the applicant indicating that it is the applicant no.1 who had instructed the accused no.2 to eliminate the deceased. It is alleged that the accused no.2 in turn had asked the accused no.3 to execute the job of eliminating the deceased. The allegation is that the applicant-accused no.1 was having an affair with the wife of the deceased. The applicant is now in custody for more than 5 years and 4 months since the date of his arrest on 15/10/2018. The prosecution proposes to examine as many as 53 witnesses. Learned APP submitted that it is not that all the witnesses will be examined and the number may be lessor. In any case, it is apparent that the trial is not likely to conclude soon. Considering the length of incarceration of

the applicant, further as there is no possibility of trial concluding any time soon and as there are no criminal antecedents reported against the applicant, I am inclined to grant the facility of bail to the applicant by imposing conditions. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Radhakrishna Mundrika Kushwaha in connection with C.R. No.63 of 2018 registered with Dadar police station, DCB, CID, Unit (OPS) shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Dadar police station, DCB, CID, Unit (OPS) 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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall not leave India without permission of the trial Court.

(h) In the event, the applicant has passport, the same shall be deposited with the Trial Court. If he does not possess any passport, he shall file an affidavit in that regard before the Trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)