



Darshan Patil

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

**BAIL APPLICATION NO.3598 OF 2023**

|                          |              |
|--------------------------|--------------|
| AJAY BALU SHIRSAT        | ..APPLICANT  |
| VS.                      |              |
| THE STATE OF MAHARASHTRA | ..RESPONDENT |

**WITH  
BAIL APPLICATION NO.506 OF 2023**

|                                        |              |
|----------------------------------------|--------------|
| CHANDRABHAN @ CHANDU VIKRAM<br>CHAUHAN | ..APPLICANT  |
| VS.                                    |              |
| THE STATE OF MAHARASHTRA               | ..RESPONDENT |

**WITH  
BAIL APPLICATION NO.3611 OF 2023**

|                          |              |
|--------------------------|--------------|
| ROSHAN BHARAT TIWARI     | ..APPLICANT  |
| VS.                      |              |
| THE STATE OF MAHARASHTRA | ..RESPONDENT |

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Adv. Amod Eklaspur i/b Adv. Kaushik Mhatre for the  
Applicants.

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

PSI S.S. Chavan, Virar Police Station.  
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**CORAM : M. S. KARNIK, J.**

**DATE : MARCH 6, 2024**

**P.C. :**

**1.** Heard learned counsel for the applicants and learned  
APP for the State.

**2.** These are the applications for bail in respect of the offence punishable under Sections 302 read with 34 of the Indian Penal Code registered on 06/09/2021 vide C.R. No.775 of 2021 with Virar Police Station.

**3.** The applicants - Chandrabhan, Roshan and Ajay are accused Nos. 1, 7 and 9 respectively. It is the case of the prosecution that the deceased- Nishant Kadam was brutally murdered on 06/09/2021 at around 3.20 a.m. Around 14 to 15 accused assaulted the deceased. From the materials, it appears that the applicants were present at the scene of the alleged offence. So far as the applicants- Ajay and Roshan are concerned, no role has been attributed to them. So far as the applicant- Chandrabhan is concerned, it was alleged that he assaulted the deceased with fists and kick blows. Whether the applicant - Chandrabhan shared common intention with the other assailants is a question to be decided at the time of trial. The applicant- Chandrabhan was arrested on 07/09/2021 and the other applicants- Roshan and Ajay were arrested on 08/09/2021. The applicants are in custody for more than two years and five

months as undertrials. There are no criminal antecedents reported so far as the applicants- Ajay and Chandrabhan are concerned. Learned counsel for the applicants submits that there is one criminal antecedent reported against the applicant- Roshan in respect of bike theft. Such criminal antecedent need not be a factor to deprive the applicant- Roshan the facility of bail.

**4.** In my opinion, considering the role of the applicants in the alleged offence and the fact that they have been in pre-trial custody for more than two years and five months with no possibility of trial concluding any time soon, the applicants can be enlarged on bail. The investigation is complete and the charge-sheet is filed. Hence, the following order :-

### **ORDER**

(a) The applications are allowed.

(b) The applicants- Ajay Balu Shirsat, Chandrabhan @ Chandu Vikram Chauhan and Roshan Bharat Tiwari in connection with C.R. No.775 of 2021 registered with Virar Police Station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties

each in the like amount.

(c) The applicants shall attend the Investigating Officer of Virar Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants 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 applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for the purpose of reporting to the Investigating Officer, the applicants shall not enter the jurisdiction of Virar Police Station after being released on bail, till the trial concludes.

(g) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

**5.** The applications are disposed of.

**(M. S. KARNIK, J.)**