

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1882 OF 2024**

Tushar Ankush Bhukan ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Kuldeep Nikam with Mr. Prasad Avhad with Rohit Karanjawane,
Advocate for Applicant.

Mr. Pankaj Deokar, APP for State-Respondent.

Mr. Shahaji Shinde, Special Public Prosecutor.

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CORAM:- ANIL S. KILOR, J.

DATED:- 16th JULY, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.213 of 2023 registered with Rajagad Police Station, District: Pune for the offences punishable under Sections 302, 201, 364 and 404 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') and Sections 3/25 and 4/25 of Arms Act, 1959.

3) The allegations against the applicant are that he helped the other accused persons, who are involved in the alleged offence i.e. accused Nos. 1 and 2. However, having considered the charge-sheet and the material collected by the Investigating Officer, particularly the conversation that took place on the telephone between accused No.1 and one of the witnesses Umesh Vaval, it is evident that initially when the deceased was assaulted by accused Nos. 1 and 2, the applicant was not present with the accused Nos. 1 and 2 but he later came at the spot of incident.

4) It is further evident that all the time the applicant promised during the conversation that he would convince the co-accused to release the deceased. Thus, except the evidence that the applicant reached the spot of the incident at a later stage, there is no evidence to show that he did any overt act.

5) In the above referred backdrop since the charge-sheet has been filed and further considering the period of incarceration of the applicant, I am of the opinion that further custody of the applicant is not necessary. However, the learned APP strongly opposed the applicant on the grounds that the offence is serious.

6) As this Court has already observed that there is no incriminating material available against the applicant to show his involvement in the

present offence, despite the opposition by the learned APP, I am of the opinion that the applicant is entitled to grant of bail. Hence, I pass the following order.

ORDER

- i) The Criminal Bail Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.213 of 2023 registered with Rajagad Police Station, District: Pune for the offences punishable under Sections 302, 201, 364 and 404 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') and Sections 3/25 and 4/25 of Arms Act, 1959, on furnishing P.R. Bond of Rs.25,000/-(Rupees Twenty-Five Thousand) with solvent surety in the like amount;
- iii) The applicant shall attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 02:00 p.m. till conclusion of the trial, except on the date of the trial;
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, and also not tamper with the evidence;

v) Liberty is granted to the State to apply for cancellation of bail in case the applicant commits the similar offence.

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

[ANIL S. KILOR, J.]