

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

CRIMINAL BAIL APPLICATION NO. 3160 OF 2024

Roshan Bechan Mandal alias Kancha ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Shifa Khan a/w Mr. Khan Abdul Wahab, Advocate for the Applicant.

Mr. Sameer Mangaonkar, APP for the Respondent – State.

PSI, R.A. Gitte, Tulinj Police Station, Mira Bhayandar, Vasai-Virar.

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CORAM : ANIL S. KILOR, J.

DATE : 18 SEPTEMBER, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the Applicant is seeking bail in Crime No.1197 of 2019, registered with Tulinj Police Station, District: Mira Bhayandar, Vasai-Virar for the offence punishable under Section 302 r/w 34 of Indian Penal Code (for short 'IPC').
3. Initially the offence was registered against one unknown person on 24 October 2019 under Section 302 of IPC. After four years the Applicant was arrested on the ground that in the statement of some of the witnesses, the witnesses referred to the a

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name 'Kancha'. The name of the Applicant is Roshan Bechan Mandal alias Kancha and none of the witness mentioned the name of Accused as Roshan alias Kancha. In the circumstances, the identification parade ought to have conducted which admittedly not conducted by the investigating officer till date.

4. The Applicant was arrested after four years and thereafter, further supplementary statements were recorded. Furthermore, there is no recovery from the Applicant. Thus, in the above referred backdrop, I am of the opinion that since the charge-sheet has been filed, further custody of the Applicant is not necessary. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No.3160 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.1197 of 2019, registered with Tulinj Police Station, District: Mira Bhayandar, Vasai-Virar for the offence punishable under Section 302 r/w 34 of IPC, on furnishing PR. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicant shall attend the Police Station on 16th day of each month between 10:00 am to 2:00 p.m. till conclusion of 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, as also not tamper with the evidence;
- v. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)