

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4066 OF 2024

Umesh Ramchandra Parab ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Gaurav Bhawnani, Advocate for the Applicant.

Mr. Swapnil V. Walve, APP for Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATED : 2nd DECEMBER, 2024.

P.C. :

1. By this Application, Applicant is seeking bail in C.R.No. 158 of 2021 registered with Powai Police Station for the offence punishable under Section 302 read with 34 of Indian Penal Code, 1860 (for short “IPC”).

2. It is the prosecution’s case that deceased was a son of first informant. Applicant along with other co-accused assaulted the deceased with iron rod and with fist and blows, due to the said assault deceased died.

3. It is contention of learned counsel for the applicant that earlier this Court has rejected the bail application of the applicant it was challenged before the Hon’ble Apex Court. The Hon’ble Apex Court has

rejected the said bail application with liberty to file fresh bail application after recording the evidence of eye witnesses. Learned counsel further submitted that the prosecution has examined six eye witnesses, out of that five eye witnesses have turned hostile. PW-1 in his cross examination has supported prosecution case. Learned counsel further submitted that applicant is behind bar more than 3½ years. He is karta of his family. He has no criminal antecedents. It may take time to conclude the trial, hence requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that applicant along with co-accused had assaulted deceased with iron rod. There were around 17 injuries found on the body of the deceased. The postmortem report shows the presence of the injuries on the body of the deceased. The applicant is the main culprit, if he released on bail he may abscond or he may threaten the prosecution witnesses. He further submitted that only 4 to 7 witnesses have been remained to be examined, hence requested to reject the application.

5. I have heard both the learned counsel. The applicant is behind bar more than 3½ years. Six eye witnesses have been examined out of that five witnesses have turned hostile. Applicant is the karta of his family. It may take time to conclude the trial. As eye witnesses of the incident have been examined, considering the incarceration period of the applicant his

further detention not required and I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail on executing P.R.Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the Court dates regularly.
- (iv) The applicant shall deposit the passport before the Investigating Officer, if any.
- (v) Applicant shall inform his latest place of residence and mobile number immediately after being released and/ or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (vi) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)