

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

CRIMINAL BAIL APPLICATION NO.1333 OF 2024

Roshan Hariram Khare Applicant

V/s.

State of Maharashtra Respondent

Mr.Shriganesh Salba Sawalkar a/w Mr.Vishrati Gajanan Tari, for
the Applicant.

Mr.Sameer M. Mangaonkar, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th FEBRUARY 2025

P.C:-

. By this Application, the Applicant is seeking regular
bail in Crime No.309 of 2019 registered with Shahapur Police
Station, District-Thane, for the offence's punishable under
Sections 302, 460, 396, 412 and 414 of the Indian Penal Code,
1908 ('IPC' for short).

2. It is prosecution case that, on 20th July 2019 at about
8: 15 p.m. co-accused forcibly entered in the house of the
deceased Suresh Nujaje, and robbed his gold ornaments and
money from his house and murdered him.

3. The allegations against the Applicant are that, he is driver of bolero jeep. It was hired by the co-accused and the Applicant drove the co-accused in said jeep to incident spot. It is contention of learned counsel for the Applicant that, he has been falsely implicated in this case. The jeep of the Applicant was hired by the co-accused. The co-accused asked the Applicant to stop the jeep. After waiting for long time when co-accused came with looted article's, he realized that, there is something fishy, but co-accused threatened him, hence, he could not do anything. The Applicant was not aware about Act committed by the co-accused. The Applicant is behind bar more than 5 years. Yet charge has not been framed. Hence, requested to allow the Application.

4. It is contention of the learned APP that, the Applicant was in conspiracy with the co-accused. He brought the co-accused to the incident spot in his jeep. The Applicant was driving the said jeep. The Applicant has antecedents. The CDR produced on record, shows involvement of the Applicant in the

crime. The Applicant is from Uttar Pradesh. If he released on bail, he may abscond. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet.

6. The allegations against the Applicant are that, the Applicant brought the co-accused at the incident spot in his jeep. The Applicant was driver of jeep. The co-accused forcefully entered in the house of the deceased, robbed the amount and gold ornaments and murdered him. At the incident spot Applicant was not present, to show his conspiracy in crime, evidence is required. The Applicant is behind bar more than 5 years. Yet charge has not been framed. It may take time to conclude the trial.

7. Considering these facts, I pass following order.

ORDER

(i) The Applicant-Roshan Hariram Khare be released on bail in Crime No.309 of 2019 registered with Shahapur Police Station, District-Thane, on

furnishing PR bond of Rs.50,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(iv) The Applicant shall give attendance before the Investigating Officer once in month on first Monday of the month between 11.00 to 1.00 p.m., till framing of the charge.

(v) The Applicant shall attend the Trial Court date regularly.

(vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)