

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3198 OF 2024

Dinesh R. Tiwari

...Applicant

V/s.

Central Bureau of Investigation

Special Crime Branch & Anr.

...Respondents.

WITH

INTERIM APPLICATION NO. 1525 OF 2025

.....
Ms Apeksha Vora for the Applicant.

Mr.Kuldeep S. Patil, Special P.P. a/w. Adv. Sampada Patil,
Adv.Dhavalshin Patil for Respondent No.1/CBI.

Mrs. Gauri S. Rao, APP for the Respondent No.2/State.

Mr. Santosh S. Musale for the Intervenor in IA/1525/25.
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CORAM : N.R. BORKAR, J.
DATE : 24.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.220 of 2006 registered at Kalamboli Police Station, Raigad for the offences punishable under Section 302 and 120-B of the Indian Penal Code and Sections 3 read with 25 and 27 of the Indian Arms Act.
3. I have heard the learned counsel for the applicant, learned Special P.P. for the Respondent No.1-CBI and the learned counsel for the original complainant/intervenor.
4. The bail is sought on the ground of long incarceration as under-trial prisoner. The learned counsel for the applicant submits

that the applicant, who is accused No.5 in the aforesaid crime is in jail for 16 years. It is submitted that by order dated 11.03.2025, the Sessions Court has allowed the application filed by the accused No.1 and recalled two prosecution witnesses and issued summons to three defence witnesses. It is submitted that the trial is therefore not likely to be concluded within near future.

5. On the other hand, learned Special P.P. for the respondent No.1-CBI submits that the trial was made time bound and the Hon'ble Supreme Court by order dated 21.2.2025 has extended the period till the end of May 2025. It is submitted that the prosecution evidence is over and the Court has even recorded the statement of accused under Section 313 of Cr.P.C.. It is further submitted that the applicant is involved in 10 more serious crimes. It is submitted that the applicant is contract killer. It is submitted that it's a case of double murder and the approver has stated that the present applicant has committed the murder of deceased. It is submitted that considering the overall facts and circumstances, the applicant may not be released on bail.

6. The learned counsel for the original complainant/intervenor submits that the complainant has already challenged the order passed by the trial Court dated 11.03.2025 before this Court.

7. It appears that the motive for alleged crime is attributed to accused No.1, who is on bail. The applicant is in jail for 16 years. The trial Court has allowed the application of accused No.1 to

recall two prosecution witnesses. He is also permitted to examine three defence witnesses. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 220 of 2006 registered at Kalamboli Police Station, Raigad for the offences punishable under Section 302 and 120-B of the Indian Penal Code and Sections 3 read with 25 and 27 of the Arms Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

8. The Interim Application for intervention does not survive and stands disposed of.

[N.R.BORKAR, J.]