

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3655 OF 2024

Akash Shravan Vishwakarma Applicant

V/s.

The State of Maharashtra Respondent

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Ms.Keral Mehta, for the Applicant.

Mr.Pankaj P. Deokar, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th FEBRUARY 2025

P.C:-

. By this Application, Applicant is seeking regular bail in Crime No.830 of 2021 registered with Kandivali Police Station, for the offence punishable under Sections 302, 201 and 120(B) of the Indian Penal Code, 1908.

2. It is prosecution case that, on 24th September 2021, the First Informant found dead body of unknown person near public toilet. In investigation it revealed that, the Applicant and co-accused assaulted the deceased due to old dispute and murdered him.

3. It is contention of the learned counsel for the Applicant that, the Applicant has been falsely implicated in this case. Name of the Applicant is involved in the crime on the statement of the co-accused. There is no recovery at the instance of the Applicant. All allegations are against the co-accused. The Applicant is behind bar more than 3 years. Though charge has framed but trial has not commenced. Hence, requested to allow the Application.

4. It is contention of the learned APP that, the Applicant along with co-accused murdered the deceased by assaulting him with sharp weapons. The Applicant was part of the group, who assaulted the deceased. There was old dispute between the deceased and co-accused. The Applicant has actively participated to assault the deceased. If Applicant released on bail he may abscond and threaten the prosecution witnesses. Hence, requested to reject the Application.

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

6. The FIR was lodged against the unknown person's. In investigation it revealed that, the Applicant and co-accused killed the deceased, due to old dispute with co-accused. The name of the Applicant is involved in the present crime on the statement of the co-accused. There is no recovery at the instance of the Applicant. The Applicant is behind bar more than 3 years. Yet trial has not commenced.

7. Considering these facts, I pass following order.

ORDER

(i) The Applicant-Akash Shravan Vishwakarma be released on bail in Crime No.830 of 2021 registered with Kandivali Police Station, on furnishing PR bond of Rs.30,000/- 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 attend the Trial Court date's regularly.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)