

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

CRIMINAL BAIL APPLICATION NO. 4314 OF 2024

Chagnaram Bhimramji Patel ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Mithilesh Mishra a/w Mr. Agastya Desai for the Applicant.

Mr. Vinit A. Kulkarni, APP for the Respondent/State.

Mr. Vishal Hegde a/w. Mr. Amol Shirole, Aiswarya Jose, Pranita Dhumak and Anuja Apte for the Intervenor.

PSI. S. D. Kisne, Neral Police Station, Raigad.

CORAM : N.R. BORKAR, J.

DATE : 16.01.2025.

P.C. :

1. This is an application for bail.
2. The applicant came to be arrested in Crime No.359 of 2022 registered at Neral Police Station, Dist. Raigad for the offences punishable under Sections 302, 396, 120(B) & 201 of the Indian Penal Code, 1860.
3. According to the prosecution, the deceased was residing at Thakurli, Kalyan and having a jewelry shop at Karjat. He used to commute from Thakurli to Neral by local train and from there, he used to go to his shop by motorcycle. While returning back to home he used to come to Neral by motorcycle and from there to Thakurli by the local train. It is

alleged that the present applicant and other co-accused kept watch on the deceased and decided to rob him. It is alleged that on the date of incident which took place on 03.12.2022, the present applicant and other co-accused accosted the deceased, while he was coming to Neral railway station by motorcycle. It is alleged that the deceased was assaulted and murdered with a view to rob him.

4. I have heard the learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the intervenor.

5. The learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that this Court, by order dated 18.3.2024 in Bail Application No. 3259 of 2023, granted liberty to present applicant to apply for bail after six months, if the trial does not progress substantially. It is submitted that, there is no progress in the trial and the trial is still at the stage of framing of charge. It is submitted that the applicant is in jail for two years and there are no criminal antecedents. It is further submitted, this Court has granted bail to some of the co-accused. It is submitted that considering the overall facts and circumstances of the case, the applicant be released on bail.

6. On the other hand, the learned APP for the

respondent / State and learned counsel for the intervenor / complainant submitted that the applicant is involved in the serious offence of dacoity with murder. It is submitted that there is a material to show that the applicant and other co-accused were in contact of each other and committed the crime in question. It is submitted that there is recovery of a knife at the instance of the present applicant. It is submitted that there is a strong incriminating material available against the present applicant and therefore he may not be released on bail.

7. Admittedly, the case is based on circumstantial evidence. The applicant is in jail for more than two years and the trial is still at the stage of framing of charge. This Court has released the other co-accused on bail. Considering the overall facts and circumstances, I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed:

ORDER

A] Bail Application is allowed;

B] The applicant be released on bail in Crime No.359 of 2022 registered at Neral Police Station, Dist. Raigad for the offences punishable under Sections 302, 396, 120(B) & 201 of the Indian Penal Code, 1860, 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.

D] The applicant shall not go out of the State of Maharashtra without prior permission of the trial Court, till conclusion of the trial.

E] The applicant shall regularly attend the dates before the trial Court.

[N.R.BORKAR, J.]