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

CRIMINAL BAIL APPLICATION NO. 4598 OF 2024

Ayush Bhandu Pratap Singh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Amarendra Mishra, Advocate for Applicant.
 - Ms. Savita M. Yadav, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2025.

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Ms. Yadav, learned APP for Respondent – State.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Regular Bail in connection with C.R.No.37 of 2023 registered with Mira Road Police Station for the offences punishable under Sections 302, 120-B, 323, 143, 145, 147, 148, 149 read with 34 of the Indian Penal Code, 1860 (for short ‘IPC’); Sections 4 and 25 of the Arms Act, 1959 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

3. Mr. Mishra appears for the Applicant who is arraigned as Accused No.2 in the crime in question.

4. There are in all 12 Accused who are 19 to 25 years old. At the outset, Mr. Mishra would inform the Court that incident in question occurred 06:15 p.m. in the evening but there are two precursor incidents thereto at 05:45 p.m. and 03:30 p.m. on the same date involving the Applicant. He would submit that admittedly from the prosecution case and the statement of the witnesses which are recorded, role of the Applicant i.e. Accused No.2 is clearly defined. He would submit that indictment of the Accused is under Section 302 and other Sections of IPC.

5. Mr. Mishra would submit that from the eye witness statement recorded by the prosecution and the FIR which is filed it does not reflect the Applicant having used any weapon in the commission of the crime which took place. There is one death which has occurred on account of infliction of a blow with the knife in the chest of the victim by Accused No.1 which can be seen from the record.

6. He would submit that 9 out of 12 Accused have been enlarged on bail and role of the present Applicant – Accused No.2 is akin to other 9 Accused who have been enlarged on bail. He would persuade the Court that both Accused Nos.1 and 3 have been identified to be present on the incident spot alongwith 7 to 8 others by the prosecution witness who is one of the prosecution witness namely Hansraj whose statement is appended to the Application.

7. He would therefore persuade the Court to consider the Application of Applicant for bail in view of his incarceration for 2 years on the aforesaid grounds.

8. Application before me contains a copy of the FIR and the order of the Sessions Court rejecting the bail of the Applicant. Copy of the charge-sheet is placed on record by Mr. Mishra before the Court today. Copy of same is also handed over to the learned APP Ms. Yadav in Court.

9. Ms. Yadav is directed to take appropriate instructions from the concerned Investigating Officer on the submissions made by Mr. Mishra and apprise the specific role of the Applicant – Accused No.2 to the Court on the next adjourned date after going through the same.

10. Considering the submissions made by Mr. Mishra delineated herein above, I am inclined to take up this Application for hearing. List the Bail Application on Board on **04th March, 2025 at 02:30 p.m.**

[MILIND N. JADHAV, J.]

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