

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4895 OF 2024

Dulal Bhola Mandal	.. Applicant
Versus	
State Of Maharashtra	.. Respondent

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- Mr. Shriganesh Salba Sawalkar, Advocate for Applicant.
 - Mr. Balraj B. Kulkarni, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 10, 2025

P. C.:

1. Heard Mr. Sawalkar, learned Advocate for Applicant and Mr. Kulkarni, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 468 of 2018 registered with Narpoli Police Station for the offences punishable under Sections 307, 506, 34 of Indian Penal Code, 1860, under Sections 3 and 25 of the Arms Arms act, 1959 and under Sections 37(1), 135 of the Bombay Police Act, 1951.

3. Learned Advocate for Applicant cites ground of long incarceration of the Applicant who is in jail for the past 6 years 2 months and 2 days pending trial. Applicant is indicted and arrayed as Accused No.1. Charge against the applicant is for using firearm and

injuring victim called Arjun Sarkar. First Informant – Bina Arjun Sarkar is the wife of victim who has lodged the complaint/FIR.

4. It is prima facie seen that the First Informant has referred to a person called Ilal Andal who is the relative of the injured victim and they hail from Bararghat Post Chabhebu, Balurghat, Dist Dakshin Dinazpur, West Bengal. She has stated that there was a transaction with respect to sale of a vehicle for Rs.60,000/- three to four years ago for which injured victim did not receive his brokerage amount and there used to be a regular squabble between injured victim with said Ilal Andal. Reference to Ilal Andal is again made at page 21-G.

5. First informant has stated that she went to meet injured victim in the hospital ICU ward and he informed her that on the date of the incident said Ilal Andal came over to his house and invited him to join him for drinks and both of them went out on the scooty of the victim. Thereafter he has stated that there was a quarrel between him and Ilal Andal caused injury to him. At every place in the FIR which is a typed copy, the name Ilal Andal appears. Mr. Kulkarni shall call Investigating Officer and confirm with him as to whether the name Ilal Andal is a typographical mistake and the reference thereto is to the present Applicant before me whose name reads as Dulal Bhola Mandal. The copy of FIR is faint and illegible as it is an old record. Nothing is readable from the copy of FIR as informed by applicant's

Advocate. This investigation shall be done immediately considering the long incarceration of the Applicant. This is primarily because the firearm in question which was recovered was procured by Accused No.2 Jaising Thakur and given to Accused No.1 which is clearly borne out from the record.

6. Mr. Sawalkar, learned Advocate for Applicant tenders across the bar the order dated 15th February, 2022 which has granted bail and enlarged Accused No.2. In that view of the matter, once the aforesaid clarification is placed before the Court by Mr. Kulkarni, this Court shall pass appropriate order after hearing learned Advocates.

7. Stand over to **12th February, 2025**. To be listed under the caption of 'First on Board' on Supplementary Board.