

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5123 OF 2024

Akash Anil Tilak

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Ravi Dwivedi a/w Mr. Satish Shukla & Mr. Sainath S. Baji for Applicant
- Mr. Balraj B. Kulkarni, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 28, 2025

P. C.:

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

2. Applicant before me is arraigned as accused No. 6 in the crime in question. Accused Nos. 1 to 4 are the principal accused and indictment of accused Nos. 6 and 7 is on the ground that they are two unknown friends of theirs who participated in the crime. Identification of accused No. 1 to accused No. 4 is precise. In so far as present Applicant i.e. Accused No. 6 before me is concerned, I have impressed upon learned APP to show me any plausible linkage of the Applicant to the crime in question. All that he submits is that test identification parade (TIP) was conducted and the witnesses have identified participation of Applicant to be one of the unknown person in the

crime. However apart from the statement across the bar, there is no material before this Court. What is intriguing is the fact that none of the principal accused have named the Applicant in their respective statements. That apart FIR merely records four principal accused along with two unknown persons having participated and present and nothing more. In that view of the matter, it is for the prosecution to show the nexus of the Applicant to the crime in question.

3. Learned APP has persuaded the Court to grant sometime to enable the IO to procure the report of TIP and place it before the Court. Needless to state that if such report is placed, the statement of the person who has identified the Applicant in his statement will be produced before the Court by prosecution. Prosecution is directed to produce the TIP report before the Court on the next adjourned date in order to ascertain the case of the prosecution about participation of the Applicant in the crime.

4. Since the matter is fully heard, place the same on board on **4th February, 2025**. To be placed under the caption **“First on Board.”**

[MILIND N. JADHAV, J.]

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by RAVINDRA
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