

Ajay

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

ANTICIPATORY BAIL APPLICATION NO. 3080 OF 2024

Narendra Ramswaroop Jedia

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Nikhil Mengde a/w. Mr. Siddhikesh Ghosalkar, Advocates for Applicant.
 - Mr. Dinesh Haldankar, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 23, 2025.

P.C.:

- 1.** Heard Mr. Mengde, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent – State.
- 2.** This is an Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with C.R.No.186 of 2024 registered with Antop Hill Police Station for the offences punishable under Sections 307, 120B and 115 of the Indian Penal Code, 1860 (for short “**IPC**”); Sections 3 and 25 of the Indian Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.
- 3.** Applicant in the present case is indicted as Accused No.6 in C.R. No.186 of 2024.

4. According to the prosecution case, Complainant's son called Aakash Kadam came to be shot at on 06.04.2024 between 05:00 a.m. and 05:45 a.m. in the morning near his house at Navtarun Naik Nagar, Near Antop Hill Church, behind Krishna Hotel, Antop Hill by some individuals who entered his house and kill him and accordingly fired at his stomach causing a fatal injury.

5. In so far as the present Applicant before me is concerned, his role in the entire incident as can be seen from the record placed before me is disclosed by one witness who is a common friend of Accused No.1 who is the principal Accused and who has confessed to have committed the crime. The name of this witness is Ajay Lade. His statement is appended at page No.51 of the Anticipatory Bail Application. Statement states that between 03.04.2024 and 06.04.2024 two rooms i.e. Room Nos.202 and 204 were booked by the present Applicant in the hotel at Goregaon namely Regent Grand Lounge. Both the rooms were booked in the name of Accused No.6 – Applicant before me.

6. Perusal of this statement shows that substantial disclosures are made by the same witness namely Ajay Lade by giving reference to what transpired between the Accused No.1 and Accused No.3 and other friends. That apart, the only abject reference to the Applicant that would be argued by Mr. Haldankar, learned APP is that he would

be comprised in the terminology “friends” of Accused No.1 who were present in the said room.

7. However, admittedly in the CCTV footage the present Applicant is seen while coming into and going out of the said hotel which is *prima facie* established. Mr. Haldankar, learned APP persuaded me to see one more statement recorded of another witness called Pritam Shetty on 11.04.2024 which is appended at page No.68 of the Application, reading of which would reveal that after the commission of the crime the said witness has stated that the principal accused alongwith his friends comprising of the present Applicant were present in the said hotel between 07:00 a.m. and 09:30 a.m. and left only thereafter. Reading of the said statements clearly reveals that out of all persons who had left one of the name reads as Dhirajkumar Pahadia and other name is Vinit Dixit and that of the Applicant. The other two Accused namely Dhirajkumar Pahadia has been granted bail by the Trial Court on 19.10.2024 whereas Vinit Dixit has been directed to be released by the Division Bench of this Court in Criminal Writ Petition (St.) No.17742 of 2024 dated 08.10.2024 by holding that the arrest of the Applicant is illegal and in violation of his fundamental rights.

8. In so far as the role of present Applicant before me is concerned, it is with respect to his booking of the two rooms and

therefore the case of the prosecution is that he has participated in the entire conspiracy. Investigation in the present case has been complete and chargesheet has been filed.

9. From the above and as compared to the role of the other Accused namely Dhirajkumar Pahadiya which has been specifically etched out, role of the Applicant in my opinion is limited and restricted as can be seen *prima facie* on the basis of the material before me and hence does not warrant for custodial interrogation.

10. In view of my above *prima facie* observations and findings, Anticipatory Bail Application No.3080 of 2024 stands allowed on the following terms:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer of the concerned Police Station on the first Monday of every month for two months and thereafter as and when called for by the Investigating Officer;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within two days from today;

- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence;
- (v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case; and
- (vi) Any infraction of the conditions shall entail prosecution to seek cancellation of this order.

11. It is clarified that the observations in this order are for the limited purpose of granting Anticipatory Bail and are merely *prima facie* in nature.

12. Anticipatory Bail Application is disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

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