

Ajay

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

CRIMINAL BAIL APPLICATION NO. 2491 OF 2024

Dinesh Rajendra Kavthankar .. Applicant
Versus
The State of Maharashtra .. Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 476 OF 2025**

Vijay Prem Rupani .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Mr. Mishra, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State.
- 3.** Applicant in Bail Application is incarcerated in a crime under Section 302 of the Indian Penal Code for more than 1 year and 9 month.
- 4.** Mr. Mishra would submit that considering the role attributed to the Applicant who is arraigned as Accused No.1, the only attribute is

that 5 hours before the occurrence of the incident, Applicant was seen standing at the incident spot as per the witness statements which are recorded. He would fairly inform the Court that 5 witnesses have stated that 5 hours before the occurrence of the incident Applicant was seen standing at the incident spot. Those witness statements are appended at page Nos.148, 150, 151, 152 and 153 of the Application. He would submit that apart from the aforesaid, there is no other specific role neither nexus attributable to the Applicant in the present crime.

5. In so far as the crime is concerned, he would submit that First Informant has assigned the specific role of assault carried out by Accused Nos.2 and 3 for committing the present crime which is clear from page No.579 of the Application.

6. That apart, he would submit that CDR and tower record show that Applicant was not present at the incident spot at the time when the incident had occurred. However in fairness he would also inform the Court that in the order passed by the Sessions Court which is appended at page No.578 of the Application, arguments of the learned PP regarding the alleged role of the Applicant have been noted and it is prosecution case that Applicant provided information of the victim to the other co-accused who carried out the crime.

7. Mr. Kulkarni, learned APP appearing for the State shall consider the aforesaid submissions made by Mr. Mishra and ascertain the specific role of the Applicant qua the present crime in question or his part in any conspiracy with the other co-accused. If the Applicant is linked to the present crime in question or if he has provided any information to the assailants of the victim in the present crime, Prosecution shall inform the same to the Court accordingly on the next adjourned date.

8. Stand over to **26th March, 2025**. To be listed on the ‘**Supplementary Board**’.

[MILIND N. JADHAV, J.]

Ajay