

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.304 OF 2015

|                          |     |            |
|--------------------------|-----|------------|
| Vikram Krishna Salunke   | ... | Applicant  |
| V/s.                     |     |            |
| The State of Maharashtra | ... | Respondent |

Mr.Amrish Salunke, for the Applicant.  
Ms.A.T.Javeri, APP for the Respondent – State.  
PI – D.R.Ganore, Khar Police Station, Mumbai.

**CORAM : REVATI MOHITE DERE, J.**

**DATED : 6<sup>th</sup> MAY, 2015.**

**PC.**

1. Heard the learned counsel for the Applicant and the learned APP for the State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.42 of 2014 registered with the Meghwadi Police Station, Mumbai, for the alleged offences punishable under Sections 307, 302, 452, 323, 120(B) r/w 34 of the Indian Penal Code.

3. The incident in question has taken place on 6<sup>th</sup> February, 2014 at about 8.15 p.m. It is alleged by the prosecution that four unidentified persons came to the shop of Rajesh Arshid and out of which two persons entered the shop. It is alleged that one of them gave a fist blow and hence the deceased fell on the counter. It is alleged that at that time the assailants took out a chopper and assaulted the deceased on his head. Pursuant to which the deceased succumbed to the injuries. It was revealed during the investigation that the present applicant was also present along with the other co-accused at the time of the incident.

4. Learned Counsel for the applicant submitted that there are two eye-witnesses to the said case ; Siddharth Shette and Chetan Sapte. According to him, the statement of Chetan Sapte does not disclose the name of the present applicant nor has he identified the present applicant. As far as the statement of Siddharth Shette is concerned, he submitted that there is nothing to show that the applicant had also gone with the other co-accused after they met him at around 8.00 p.m. He submitted that it is stated that out of the persons who were present there, the persons who accompanied Suraj Pote to the shop of the deceased, were Santaji, Vaibhav, Bunty and Bappa, where there was a quarrel between them.

5. Learned APP opposed the bail application. She submitted that there are CDR records to show that the applicant was in touch with the co-accused before and after the incident. She submitted that another case was registered as against the applicant, soon thereafter.

6. Perused the charge-sheet and the statement of the eye witnesses, in particular the statements of Chetan Sapte and Siddharth Shette. As far as Chetan Sapte is concerned, he has neither named the applicant nor identified the applicant in the Identification Parade held. As far as Siddharth Shette is concerned, the said witness has stated that he had met the present applicant along with the other co-accused on that day. However, after their meeting, Suraj Pote is stated to have gone with his friends - Santaji, Vaibhav, Bunty and Bappa. The name of the present applicant has not been disclosed in the said subsequent statement. As far as antecedents are concerned, the applicant was arrested and thereafter on a transfer warrant, was taken into a custody in the present C.R. It appears that the applicant and the co-accused were known to each other and therefore the CDR records, by itself are not sufficient to show the complicity. Considering the material as against the applicant, the

Applicant is enlarged on bail on imposing strict terms and conditions as under ;

**ORDER**

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount ;
- ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Jogeshwari Police Station, Mumbai, ;
- iii) The Applicant shall attend the concerned Police Station in whose jurisdiction he intends to reside, once a fortnight i.e on 1<sup>st</sup> and 3<sup>rd</sup> Sunday of every month between 10.00 a.m. to 12.00 noon, till the conclusion of the trial;
- iv) The Applicant shall not leave Mumbai and Thane District, without the permission of the Trial Court, till the conclusion of the trial ;
- v) The Applicant shall not tamper or attempt to threatened/influence the complainant or any persons

concerned with the case;

- vi) The Applicant shall co-operate in the conduct of the trial and shall attend the concerned Court on every date of the hearing ;
- vii) An undertaking to the aforesaid clauses ii) ; iii) ; iv) ; v) and vi), shall be filed by the Applicant, in the Trial Court, within two weeks after his release ;
- viii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

- 7. The Application is allowed and disposed of in above terms.
- 8. Needless to observe, that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.
- 9. Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**