

Sagar Bajrang Zade		Applicant
Vs.		
The State of Maharashtra		Respondent

CORAM: P.D. KODE, J.

DATED: FEBRUARY 03, 2015

P.C:

1. Learned APP has objected the prayer for bail on the ground that involvement of the applicant is borne from the supplementary statements of the first informant and two more eye-witnesses. It is submitted that the applicant was armed with a weapon at the time of the incident and during the course of investigation, lethal weapons have been

recovered as a sequel to the statement leading to the discovery made by him.

2. Learned counsel for the applicant has pressed the prayer for bail on the ground that name of the applicant is not mentioned in the FIR, investigation is complete, the applicant is not having any antecedent and the offences are not exclusively punishable with imprisonment for life.

3. A perusal of the charge-sheet reveals that the first informant had not named the applicant and later on changed names of the assailants during the recording of the supplementary statements. Having regard to it and the offences being not exclusively punishable with imprisonment for life and the applicant is not having any antecedent, discretion deserves to be exercised in favour

of grant of bail. Needless to add that perusal of the charge-sheet does not reveal any circumstance for not exercising the discretion accordingly for the accusation of such type of offences.

4. Resultantly, the application is allowed. The applicant is directed to be released on bail in C.R. No.202 of 2014 of Bhandup Police Station, District Mumbai on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties to make up like amount and subject to conditions that after his release, the applicant shall (i) stay at the address mentioned in the application and shall not change the same without permission of the Court; (ii) attend the I.O. on every Monday in between 11:00 a.m. to 1:00 p.m. until further order; (iii) not indulge in activity of

tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

5. The application accordingly stands disposed of.

(P.D. KODE, J.)