

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

CRIMINAL BAIL APPLICATION NO.1341 OF 2016

Mr. Gurbax Singh Saini

.... Applicant

versus

State of Maharashtra

... Respondent

Mr.R.B.Mokashi a/w Mr.Aditya Mokashi i/b. Ramesh Tripathi for the applicant.

Ms. R.M. Gadhvi, Addl. Public Prosecutor, for the respondent/State.

Mr. Paramvir G. Narula for the intervener.

CORAM : A.S.GADKARI, J.

DATE : 01st SEPTEMBER, 2016

PC. :

1. This is an application u/s 439 of the Cr.PC. for bail in C.R.No.179 of 2016 registered with Nerul Police Station, District Thane, dated 25/05/2016 under sections 498-A, 376, 324, 323, 406, 504 r/w 34 of Indian Penal Code.

2. Heard the learned counsel appearing for the applicant, the learned APP and also the learned counsel appearing for the original complainant. Also perused the papers of the investigation pertaining to the present crime.

3. The first information is lodged by Mrs.Mandip Kaur Gurubaksh Singh Saini, wife of the present applicant. The first information report mentions about the various alleged acts committed by the applicant and the other co-accused as contemplated under various sections applied to the present crime. The applicant is arrested on 08/06/2016. Learned APP submitted that during the course of investigation, section 313 of the Indian Penal Code is added to the present crime. Learned APP on instructions further submitted that the supplementary statement of the first informant is recorded on 03/06/2016 and in pursuance thereof, section 377 is also added to the present crime.

4. I have perused the papers of investigation and the statements of witnesses recorded by the Investigating Officer. It prima facie appears that the first informant and other witnesses have made material improvements in their statements and, therefore, various sections of the Indian Penal Code are added to the Crime from time to time. As stated earlier, the applicant was arrested on 08/06/2016 and as on today the investigation is

completed. In view of the same, I am inclined to release the applicant on bail.

5. Learned APP submitted that if the applicant is released on bail, there is every possibility that the applicant may tamper with the evidence and or threaten the prosecution witnesses. The said apprehension can be taken care of, by imposing stringent conditions upon the applicant.

6. Hence the following order :

- (i) The applicant be released on bail in CR No.179 of 2016 registered with Nerul Police Station, on his furnishing PR bond of Rs.50,000/- with one or more solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall not enter the jurisdiction of Navi Mumbai Police Commissioner and shall keep himself away from the said jurisdiction except for marking his presence at Nerul Police Station, on the stipulated dates mentioned herein below.

- (iii) Before his release from jail, the applicant shall provide his address where he intends to reside after his release from jail.
- (iv) After his release on bail, the applicant shall attend Nerul Police Station, once in a month i.e. on every first Monday between 11.00 a.m. and 02.00 p.m. till the completion of the trial.
- (v) Criminal Application is allowed in the aforesaid terms.

7. In view of the order passed in the present application, the Criminal Application No.722/16 does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)