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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1620 OF 2016

Jaspal @ Sardar Ranjit Singh and Anr ..Applicants.

Vs

The State of Maharashtra ..Respondent.

Mr Niranjan Mundargi, h/f O.P.Mulekar, Advocate for
the applicants.

Mrs. N.S.Jain, APP for the State.

PSI J.S.Male, Bhoisar, Police Station.

CORAM : A.S.GADKARI, J.

DATE : 7th September, 2016.

P.C.

1) This is an application under section 439 of the Code of Criminal Procedure, 1973 for bail in C.R. No. I-80/2016 dated 12/4/2016 registered with Boisar Police Station, Palghar under section 307, 341, 326, 212, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under section 37 (1) (3) with 135 of the Maharashtra Police Act.

2) At the out set, the learned Counsel for the applicants, on instructions, seeks leave to withdraw the present application with respect to the applicant no.2 Dashrath @ Kalu Bacchubhai @ Bacchu Dhodi,

with liberty to file a fresh bail application before the trial Court, after six months from today. Leave and liberty granted.

3) The applicant no.1 is original accused no.2 in the aforestated crime. The first information report is lodged by Sanjay A. Ghatal on 12/4/2016 alleging that the accused persons named therein obstructed his way and assaulted him with iron rods and wooden logs. It is further stated in the report that apart from the persons named therein there was one more unknown person in the said unlawful assembly who was also instrumental in assaulting the informant. On the basis of the said report, the aforestated crime is registered and after completion of investigation the police have filed the charge sheet against in all nine accused persons.

4) A bare perusal of the first information report would reveal that the name of the present applicant no.1 is not mentioned in it. A further perusal of the charge-sheet would reveal that no test identification

parade is held to establish the identity of the applicant no.1. It appears from the record that the identity of the applicant no.1 is established on the basis of the statement of the co-accused. During the course of investigation, the police have recovered one wooden stick alleged to have been used in the present crime at the instance of the applicant no.1. There are no antecedents at the discredit of the applicant no.1. As there is ambiguity about the identity of the applicant no.1, in the present crime, he has made out a case for his release on bail.

Hence, the following order :-

(a) The applicant no.1 Jaspal @ Sardar Ranjit Singh shall be released on bail in CR No. I-80 of 2016 registered with Boisar Police Station, Palghar on his furnishing a PR. bond of Rs. 25,000/- with one or two solvent local sureties in the like amount;

(b) After the applicant no.1 Jaspal @ Sardar Ranjit Singh is released from jail, he shall attend the concerned Police Station, once in three months i.e. on every first Monday of

the said month between 11:00 a.m. to 2:00 p.m till the conclusion of the trial;

(c) The applicant no.1 shall also attend all dates before the trial Court;

(d) Any two consecutive defaults in complying with the aforesaid conditions by the applicant no.1 will attract the provisions of cancellation of bail;

(e) The applicant no.1 shall not tamper with the evidence and/or influence the witnesses;

(f) The application of the applicant no.1 is allowed in the aforesaid terms;

(g) The application filed by the applicant no.2 Dashrath @ Kalu Bacchubhai @ Bacchu Dhodi is dismissed as withdrawn with the liberty as aforestated.

(A.S. GADKARI, J.)