

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1805 OF 2016

Shri Kanaiyalal Kartar Singh Applicant

Versus

State of Maharashtra Respondent
through Koperkherane Police Station,
Navi Mumbai.

Mr. Jaspinder S. Padam for Applicant.
Mrs. P. P. Shinde, APP for Respondent/State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 24TH JANUARY, 2017.

P.C.

. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 27th November, 2015 in Crime No. I-381 of 2015 registered at Koperkherne Police Station on 27th November, 2015. The investigation is completed and charge sheet is filed against the accused on 16th February, 2016. The co-accused Ajay Singh has been enlarged on bail by the Sessions Court, Thane.

2. It is the case of the prosecution that on 27th November, 2015 Ramesh Sheshnarayan Tripathi lodged the report at the police

station alleging therein that his brother Ankit Tripathi is a student of law. That the first informant is the lawyer. It is alleged that in May, 2015 Ajay Kumar Singh was arrested by Vashi Police Station. The first informant was engaged by Ajay Singh as a lawyer. The first informant could not get bail for Ajay Singh, and therefore, in September, 2015 Ajay Singh along with his associates came to the office of first informant and demanded money, abused him and threatened him. It is alleged that on 27th November, 2015 Ajay Singh and the present applicant had contacted the first informant. That his younger brother Ankit was injured by the present applicant and that there was also an attempt to strangulate Ankit and hence the accused are chargesheeted for the offence punishable under Section 307 of Indian Penal Code.

3. Perused the medico-legal report of Ankit Tripathi. The report shows that there was alleged history of assault on him at 2.30 a.m. on 27th November, 2015 Ankit had sustained an abrasion (only marks) on the neck and arm. The nature of injuries is simple.

4. The applicant is in custody for more than 16 months. The charge sheet is filed. The nature of injuries is simple and moreover the co-accused is enlarged on bail by the Sessions Court, Thane, hence, the applicant should be enlarged on bail.

5. Observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for

the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount.
- (iii) The applicant shall report to Koperkherne Police Station on 1st Sunday of each month till the framing of charge.

(SMT. SADHANA S. JADHAV, J.)