

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

CRIMINAL BAIL APPLICATION NO. 1651 OF 2019

Sachin Ashok Gupta	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. S.G. Rajput, for the Applicant.
Mr. P.H. Gaikwad-Patil, A.P.P for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.
DATE : 13th August, 2019.***

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-138 of 2019 registered with the Shantinagar Police Station, Thane, for the alleged offences punishable under Sections 302, 307, 323, 34 of the Indian Penal Code.
3. Perused the papers. According to the complainant-Rajesh Soni (now deceased), the incident took place on 05.02.2019 at about 10.40 pm. According to the complainant(deceased), co-accused Ankush Mourya

and he had an altercation, in which co-accused Ankush abused him and thereafter, co-accused Ankush removed a knife from his waist and assaulted him in his abdomen. The complainant (deceased) had further stated that co-accused Lavkush gave him fist and kick blows and that when people gathered at the spot, the said accused left the spot. In the supplementary statement dated 10.03.2019, the complainant(deceased) alleged that the applicant also gave him a fist blow. The complainant (deceased) expired after 68 days, pursuant to which Section 302 of Indian Penal Code came to be added. The cause of death is stated to be 'Complications following stab injury'. Learned APP states that the CCTV footage shows that the applicant was present at the spot in the crowd. The applicant has no antecedents. The applicant is in custody since March, 2019 and investigation is complete and charge-sheet is filed.

4. Admittedly, the applicant has not been named in the FIR and has been named belatedly by the complainant (now deceased) in his supplementary statement after almost 32 days.

5. Having regard to the role played by the accused, the

application is allowed on the following terms and conditions:-

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.10,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.
- iii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- vi) 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 concerned Police Station;

vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks from his release;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant/s bail.

8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)