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

CRIMINAL BAIL APPLICATION NO.1688 OF 2019

Jitu Ganesh Shivdas	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.V.Marwadi, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

PI – Arvind Chandanshive, Bangur Nagar Police Station, Mumbai, is present.

**CORAM : REVATI MOHITE DERE, J.
DATE : 29th 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.215 of 2018 registered with the Bangur Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the incident took place at the spur of the moment and that there was no reason for the applicant to know that the co-accused - Nilesh was carrying a knife in his

pant pocket. He submits that the applicant cannot be attributed with the knowledge and intent that the accused No.1 – Nilesh will stab Sagar, inasmuch, everything happened in quick succession.

4. Perused the papers. The alleged incident has taken place on 28th June, 2018 at about 2.45 to 3.00 a.m. According to the prosecution, the incident took place on the Link Road, in front of Inorbit Mall, Malad (West). It is the prosecution case, that Sagar (deceased) met Salma and drank beer with her on the street. One Pooja is also alleged to have been present with them. According to the prosecution, the applicant and co-accused – Nilesh approached Pooja and sought sexual favours from her, however, Pooja refused the same. It is alleged that Sagar (deceased) asked the accused as to “Kya Hua Re”. On being called ‘Re’, there was a sudden quarrel which erupted between them. In the said quarrel, Sagar (deceased) allegedly pushed the person who was in a grey jacket (Nilesh), pursuant to which, Nilesh fell on the ground. It is alleged that Nilesh shouted “Jitu catch him”, pursuant to which, the applicant held Sagar. It is alleged that co-accused – Nilesh pulled out a knife from his pant pocket and stabbed Sagar on his chest, pursuant to which, both ran away from the spot. The applicant is in custody since June 2018 and has no antecedents. Investigation is complete and charge-sheet is filed.

5. Considering the role of the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. and 11:00 a.m., for a period of 24 months from the date of his release;
- iii) 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial and shall

attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) 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.

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

7. 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.

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

REVATI MOHITE DERE, J.