

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

ANTICIPATORY BAIL APPLICATION No. 1447 OF 2019

Mahesh Sundar Shetty

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Akhilesh Choubey a/w. Mr. Ashok Yadav a/w. Mr. Virendra Pandey i/b.
AVC & Associates, Advocates for the Applicant

Mr. Y.M. Nakhawa, APP for the State

API K.R. Sanap attached to Kasturba Marg Police Station, Borivali, Mumbai

CORAM : SANDEEP K. SHINDE, J.

DATE : November 6, 2019

P.C.

1. Heard learned counsel for the Applicant and the learned APP for the State.
2. Apprehending the arrest in Crime No. 5 of 2019 registered with the Kasturba Marg Police Station, Borivali for the offences punishable under Section 120-B, 326, 341 r/w. 34 of the Indian Penal Code and Section 135 r/w. Section 37(1) of the Maharashtra Police Act, the Applicant has preferred the application for anticipatory bail.

3. The Learned Sessions Court declined to grant the anticipatory bail.
4. It is alleged that the Applicant with Babloo Singh hatched the conspiracy to inflict assault on one Aditya Shetty. On 8th January, 2019, when Aditya was riding on motorcycle, he was accosted by the Accused. The FIR lodged by Aditya Shetty does not disclose the name of the Applicant. In all there are 8 accused. 7 accused were arrested and released on bail. Charge-sheet in this case has been filed.
5. The prosecution has opposed this application by filing affidavit of Shri Sandeep Palve, Police Sub-Inspector attached to Kasturba Marg Police Station. In paragraph 6 of the said affidavit, it is stated that the co-accused Babloo Singh, while in the police custody, had disclosed the name of the present Applicant.
6. Except the statement of the co-accused, there is no other evidence placed before this Court to show that he was sharing the conspiracy with Babloo Singh. It is submitted across the bar that text messages were exchanged by and between Babloo Singh and the Applicant. However, such messages are not part of the charge-sheet. It appears that the charge-sheet has not been filed against the present Applicant.
7. Thus, taking into consideration the facts of the case, a case is made out for grant of anticipatory bail. Hence, the order is passed on the following terms and conditions:

ORDER

- (i) In the event of the arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned police station, as and when called and undertakes to produce all such documents required and called by the Investigating Officer;
- (iii) The Applicant shall furnish his place of residence and mobile contact number immediately to the concerned Police Station;
- (iv) The Applicant shall cooperate with the Investigating Officer.
- (v) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (vi) The Applicant shall file an undertaking with regard to clauses (i) to (v) in the concerned police station immediately.

[SANDEEP K. SHINDE, J.]