

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

BAIL APPLICATION NO.2158 OF 2019

Sujit Posha Bhagat ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. S.A.Shaikh for the Applicant.
Mrs. J.S.Lohakare, APP for the Respondent-State.
PSI Sunil Appa Honar attached to Panvel Railway P. Stn.
Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 26th NOVEMBER, 2019

P.C. :

Heard.

2 On 21st November, 2018, applicant and four other in prosecution of the common object, pulled out injured from train and took him away to sub-way abutting Khandeshwar Railway Station. He was assaulted by fists, kicks and blows and robbed him of valuables like gold chain worth around Rs.93,000/-, besides cash Rs.30,000/-. One accused is reported to

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have committed suicide. Others were arrested soon after the incident. Applicant could not succeed to get anticipatory bail, therefore, he surrendered to the police on 9th January, 2019. On personal search of Shrikant (Accused No.1), gold chain was recovered. Shrikant is in jail.

3 Investigation in this case is over. Prosecution has not pointed out any criminal antecedents of this applicant. Applicant is 28 years old. Trial is not likely to commence in near future.

4 This application was heard by my learned Predecessor on 16th October, 2019 and the applicant was directed to file an affidavit undertaking not to indulge into criminal acts. The learned counsel for the applicant has filed an affidavit, which is taken on record and marked **'X-1' for Identification**. I have perused it.

5 In view of the facts stated hereinabove and nature of accusations and also in view of the

Undertaking filed by the applicant, he is directed to be released on the following terms and conditions:

ORDER

- (i) The applicant in Crime No.609 of 2018 for the offences punishable under Sections 395, 120B, 504, 506 of the IPC, be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer twice a month on 1st and 15th day of each month till the charge is framed;
- (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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (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 prosecution shall be at liberty to seek cancellation of the applicant's bail in case of breach of Undertaking;

6 The application is accordingly disposed of.

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.

(SANDEEP K. SHINDE, J.)