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

CRIMINAL BAIL APPLICATION NO.2295 OF 2018

Triveni Bhunilal Nishad @ Mahesh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.C.Kanojia, for the Applicant.

Mr.S.R.Shinde, A.P.P for the Respondent - State.

PSI – Sunil Gomare, Juhu Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th JULY, 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.26 of 2014 registered with the Juhu Police Station, Mumbai, for the alleged offences punishable under Sections 307, 328, 381, 120-B and 34 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the incident took place on 24th January, 2014. The complainant – Himalaya Dasani has stated that he found his parents in an unconscious condition at the residence. He has alleged that their servant – Sanjaykumar Ramsevak Nishad@ Ramprasad @ Ramu had administered a stupefying substance to his parents, as a result of which, they became unconscious. Accordingly, a complaint was lodged as against Sanjaykumar. During the course of investigation, three other co-accused came to be arrested. After investigation, charge-sheet was filed and in the said charge-sheet, the applicant was shown as absconding accused. Since the applicant was absconding, the trial against co-accused who were arrested commenced and after trial, three of the accused were acquitted and one accused - Sanjaykumar was convicted. The applicant was arrested on 22nd February, 2018. As far as the applicant is concerned, no specific role has been assigned nor has he been named in the FIR. It appears from the memorandum statement of convicted accused - Sanjaykumar, that the applicant along with the other accused instigated Sanjaykumar to administer 'Lidocaine' powder to the old couple, where he was working and to rob the couple. It also appears that the applicant was not present when

Sanjaykumar administered the stupefying substance and robbed the old couple.

4. Learned Counsel for the applicant submits that the only material as against the applicant is the statement of co-accused – Sanjaykumar, in which it is alleged that the applicant along with other co-accused instigated Sanjaykumar to administer the stupefying substance to the old couple, where Sanjaykumar was working and to rob them.

5. Learned APP submitted that the applicant was arrested in February 2018, after almost 4 years, since the applicant was absconding. He submitted stringent conditions be imposed, considering the fact that the applicant is not a resident of Maharashtra, but, is a resident of Uttar Pradesh.

6. 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 solvent 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. to 11:00 a.m., till the conclusion of the trial;
- 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 leave the jurisdiction of Mumbai and Thane City, without the permission of the trial Court;
- v) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with

the case;

vi) 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;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of 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, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

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

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide

the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.