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

CRIMINAL BAIL APPLICATION NO.2495 OF 2019

Suraj Kundan Mehra	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Silvin Yohanan Kale, for the Applicant.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent - State.

PSI – B.S. Nikumbh, Wagle Estate Police Station, Thane, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th OCTOBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant, aged 22 years and a student seeks his enlargement on bail in connection with C.R.No.I-206 of 2017 registered with the Wagle Estate Police Station, Thane, for the alleged offences punishable under Sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code, under Section 25(1) of the Indian Arms Act and under Sections 37(1), 135 of the Maharashtra Police Act.
3. Perused the papers. According to the complainant – Pramod

Vishwakarma, he was working in Prasad Garage at Thane, at the relevant time. The complainant – Pramod has stated, that about 3 to 4 days prior to the incident, there was an altercation between Prashant Sonavane on the one hand and Raj Parab, Aashish Gurav @Gorya, Mangalu and Akshay Khatyal, on the other, as the said persons were allegedly staring at Prashant. Prashant is alleged to have disclosed the said incident to the complainant. It is alleged by the complainant that on 27th October, 2017, at about 12 midnight, when Aakash Sonavane (brother of Prashant Sonavane) and his friend – Kishor Shinde were standing near Shiv Sena Shakha, accused - Raj, Aashish @Gorya, Mangalu, Akshay and others came on scooters, motorcycles and enquired about Prashant and thereafter proceeded towards Dnyaneshwar Nagar Nakka. It is alleged by the complainant that on 28th October, 2017, at about 10.30 p.m. he was playing on his mobile after his dinner. It is alleged that at about 12.30 to 12.45 a.m., he saw Aakash Sonavane (brother of Prashant Sonavane) coming towards his house. He has alleged that he saw Raj, Aashish @Gorya, Mangalu, Akshay, Aaditya Jadhav, Chinmay and other 2 to 3 unknown persons came from Mahatma Phule side on motorcycles. He has alleged that the said persons were armed with swords and gupti. According to the complainant, Prashant was sitting near the Shiv Sena Shakha and since there was an altercation between the said persons and Prashant earlier, he and Aakash

rushed towards the Shiv Sena Shakha. It is alleged that the accused persons questioned Prashant and started assaulting him with swords and gupti. Pursuant thereto, Prashant was taken to the hospital, where he was declared dead before admission. The applicant has not been named in the FIR. It appears that there are several eye-witnesses to the said incident. Some of the eye-witnesses have not named the applicant and those who have named the applicant have not attributed any overt act to the applicant. The eye-witnesses who have named the applicant have stated that the applicant was present at the spot and that he was armed. None of the said witnesses have attributed any overt act to the applicant. Learned APP does not dispute the same. One of the eye-witness, Vicky More's statement recorded under Section 164 of the Code of Criminal Procedure, shows that he has not named the applicant as either being present at the spot or being armed. The applicant is a student studying in Bharati Vidyapeeth's College of Hotel & Tourism Management Studies, Navi Mumbai. The applicant has no antecedents. The applicant is in custody for about 2 years. Investigation is complete and charge-sheet is filed.

4. Considering the role of the applicant and what is stated aforesaid, the application is allowed on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- 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.

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

6. 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.

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

REVATI MOHITE DERE, J.