

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

CRIMINAL BAIL APPLICATION NO. 2525 OF 2019

Parvej Sikander Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Abhinav Chandrachud i/b Mr.Prem Kumar Pandey,
Advocate for the Applicant.
Ms. J.S. Lohakare, A.P.P. for the Respondent-State.

...

CORAM : SANDEEP. K. SHINDE, J.
DATE : 03rd DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.
2. Applicant is seeking bail in Crime No. I - 261 of 2019 (Case no.1655/pw/2019) registered with the Borivali Railway Police Station, for the alleged offences punishable under Sections 307, 392, 411 r/w 34 of the Indian Penal Code, 1860.
3. It is alleged on 16.01.2019, while the

complainant was on platform no.6 of Borivali Railway Station with his uncle and brother, a mobile was snatched by a unknown person. Complainant tried to chase him, however a snatcher, passed it over to the present applicant, who was standing on the another platform. Complainant alleged, a person who snatched the mobile and the applicant pushed him on the railway track and attempted to cause his death. Complaint was lodged against the unknown persons .

4. Applicant was apprehended on 20.01.2019.

5. It is submitted by the learned counsel for the applicant, that there is no evidence on record to connect or to show the complicity of the applicant in the subject crime. It is submitted, no test identification parade was held. It is submitted just because the applicant is allegedly involved in the offence of similar in nature, he is implicated, in this crime.

6. I have perused the charge-sheet. Eye-witness Suraj, a relative of complainant in his statement has not alleged that the applicant and the co-accused pushed the complainant on the railway track. The evidence in the form of injury report shows, applicant had suffered injuries due to fall from train. Thus, the allegations, that the applicant and the co-accused attempted to cause his murder are neither corroborated by Suraj nor injury certificate supports it.

7. It may be stated, the offence was registered against the unknown person, however test identification parade has not been held. Prima-facie it appears, on suspicion, applicant is implicated in the backdrop of his antecedents. Investigation is over. The trial is not likely to commence in the near future. Applicants' presence for the trial can be secured by imposing conditions.

8. Application is allowed.

ORDER

(i) The applicant is directed to be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish his residential address as well as permanent address and mobile contact number and/or change of residence or mobile details, if any, to the investigating officer within seven days from his release from the jail;

(iii) The applicant is directed to report to the investigating officer of the concerned police station, on the first Monday of each month from 10:00 a.m. to 11:00 a.m., till the charge is framed;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned

with the case;

(v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail;

9. The application is allowed in the aforesaid terms.

10. 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.

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

(*SANDEEP. K. SHINDE, J.*)