

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

CRIMINAL BAIL APPLICATION NO. 2861 OF 2019

Pradeep Rajendra Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal, Advocate for the Applicant.

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

Mr. Ganpat Babu Ganeshkar, P.S.I. Narpoli Police Station, Bhiwandi Thane City present.

CORAM : S. K. SHINDE, J.

DATE : 04th NOVEMBER 2019.

P.C.

1 Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.

2 Applicant is seeking release on bail in Crime No. I – 396 of 2018 registered with the Narpoli Police Station, Thane for the alleged offences punishable under Sections 307, 364, 323, 504, 506, 143, 145, 147 and 149 read with 34 of the Indian Penal Code and Section 37 (1) and 135 of the Maharashtra Police Act.

3 It is alleged on 02nd October 2018 the complainant (injured) was forcibly moved away in the auto rickshaw of the present applicant at the instance of one Shabbir Shaikh (one of the accused) by pointing knife

to Kasheli Khadi (creek – at Thane). It is alleged that Shabbir Shaikh and other co-accused inflicted fist blows and kicks and attempted throw him in the creek. The role attributed to this applicant is a same which has been attributed to Harshal Mohite (co-accused).

4 Learned A.P.P. has pointed out that the injured was taken - away in the auto rickshaw of present applicant by force and the applicant restrained the movements of the injured and facilitated the commission of offence under Section 307 of the Indian Penal Code.

5 I have perused the order passed by this Court dated 17th September 2019 in Criminal Bail Application No.2414 of 2019, whereby Harshal Ram Mohite (co-accused) has been released on the bail. The charge-sheet in this case has been filed. There are no antecedents. Looking into the role attributed to the applicant which is similar to the role attributed to Harshal Mohite, the applicant is directed to release on the bail on the following conditions.

ORDER

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

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

(iii) The applicant shall inform his latest place of residence and mobile contact number 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 file an undertaking with regard to clauses (iii) to (v) in the trial Court, within two weeks of his release;

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

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.

(S. K. SHINDE, J.)