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

***CRIMINAL BAIL APPLICATION NO.3077 OF 2018
(THROUGH POST)***

Surajsinh Arunsinh Rana
Versus
The State of Maharashtra

...Applicant

...Respondent

Ms.Lochan Chandka, *Amicus Curiae*.

Ms. P.P.Shinde, A.P.P for the Respondent - State.

Sr.P.I - Girish Anavkar, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th JULY, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application filed through jail, the Applicant seeks his enlargement on bail in connection with C.R.No.482 of 2006 registered with the Dindoshi Police Station, Mumbai, for the alleged offences punishable

under Sections 302, 394 r/w 34 of the Indian Penal Code.

3. Learned Counsel Ms.Lochan Chandka was appointed as *Amicus Curiae* to espouse the cause of the Applicant in the said matter, vide order dated 28th June, 2019.

4. Learned APP has served a copy of the charge-sheet on the learned *Amicus Curiae*. On perusal of the charge-sheet, learned *Amicus Curiae*, submits that there is no material to connect the applicant with the alleged offence, except the statement of the co-accused, which is inadmissible in law.

5. Learned APP does not dispute that except the statement of the co-accused there is no material to connect the applicant with the alleged offence.

6. Perused the papers. The incident is of 29th December, 2006. According to the complainant – Chhabudas Gaikwad, when he was on duty on a wireless van along with other police staff, he received a message from

the Control Room at about 5.00 p.m., that a dead body of an unknown person was found in the Filmcity Area at Dindoshi. The complainant has stated that pursuant to the said information, he rushed to the spot and found one dead body of a male person. He found injuries on the right side of the head and behind the right ear of the dead body and also found one black stone near the dead body, which was smeared with blood. Accordingly, the aforesaid FIR was lodged as against unknown persons. In 2008, two accused i.e. Irfan @Ippa Gosmiya Sayyed and Mohammed Asif @Paksul Mohammed Hanif Shaikh, were arrested. After trial the said accused were acquitted of the offence with which they were charged. The aforesaid applicant was arrested on 11th March, 2016. It also appears that except the confessional statement of the co-accused, which is inadmissible in law, there is no material to connect the applicant with the alleged offence.

7. Considering the aforesaid, 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.15,000/- with one or two 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 not leave the jurisdiction of Mumbai and Thane City, without the permission of the Court;

iv) 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.

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

9. 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.

10. Registry to communicate the above order both to the applicant, who is lodged in Thane Central Prison as well as to the learned Judge, who is seized of the said case. The learned Judge to personally explain the

conditions to the Applicant, so that there is no breach of the same.

11. I would like to record a word of appreciation for the able assistance provided and the efforts taken by Ms.Lochan Chandka, in conducting the application. High Court Legal Services Committee to award fees of the learned *amicus curiae*, as per Rules.

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

REVATI MOHITE DERE, J.