

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

CRIMINAL BAIL APPLICATION NO. 3427 OF 2018

Santosh Bhikaji Kekan ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr. Aniket U. Nikam a/w Mr. Amit Ichan i/by Aashish Satpute, Advocate for the Applicant.

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

Mr. P.D. Dalvi a/w Shradha Pawar a/w Mr. Sharad Bhosale, Advocate for Complainant (Respondent No.2).

Mr. Vijay Telkikar, P.I. Vashi Railway Police Station.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 19th NOVEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State and also heard Mr. Dalvi, learned counsel for the complainant (Respondent No.2).

2. Applicant is seeking his enlargement on bail in Crime No. I-205 of 2017 registered with Vashi

Railway Police Station, Vashi, Mumbai, for the alleged offences punishable under Sections 307, 397, 356, 201 of the Indian Penal Code, 1860 and under Section 162 of the Railways Act.

3. On 03.12.2017, complainant was commuting in the local train at about 23:15 hrs. from Panvel to Vashi. She alleged that one unknown person attempted to snatch her mobile and gold earrings. She offered the resistance and in the course of the transaction, it is alleged that the applicant pushed the complainant out of running train. She fell down and sustained injuries.

4. Evidence shows that in the test identification parade, the applicant was identified. Besides there is a recovery of stolen property i.e. earrings at the instance of the applicant. Few, Documents of the complainant were also found in the applicant's house during the house search. It is alleged that the applicant resisted house search and

caused obstruction and as such another offence under Section 353 came to be registered against applicant.

5. Learned counsel for the applicant submits that there are no antecedents against the applicant. He submits that he is in jail since 12.12.2017. He submits that the trial is not likely to commence in near future and his presence for trial can be secured by imposing stringent conditions.

6. Learned APP submits that in view of the test identification parade and recovery of the earrings of the complainant and such other other documents, the application deserves no consideration.

7. I have perused the charge-sheet. Investigation is over. The applicant has no criminal antecedents. The trial is not likely to commence in near future. He is in jail since 12.12.2017. In view of the fact of the case, the application is allowed and

applicant is directed to be released on bail on the following conditions :

ORDER

(i) The applicant be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- in the one or more sureties in the like amount;

(ii) Taking into consideration, argument of counsel for the complainant, the applicant is directed to report to the Investigation Officer to the concerned police station on first Monday each month for the period of one year;

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

(iv) The applicant shall furnish particulars of 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;

8. The application is allowed in the aforesaid terms and disposed of.

9. 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.

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

(SANDEEP K. SHINDE, J.)