

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

CRIMINAL BAIL APPLICATION NO. 258 OF 2020

Sandesh Dubey @ Taklya

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Pradeep D. Singh a/w Mr. Bilal Ahmad a/w Mr. Ashutosh Ratudi,
Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th MARCH, 2020

PC :

1. This is an application for bail in C.R. No. 255 of 2018 registered with Bhandup Police Station, Mumbai for offences punishable under Section 307, 324 r/w Section 34 of Indian Penal Code.

2. The FIR was registered on 18th July, 2018 alleging that the complainant was assaulted by four unknown persons with the help of sickle and wooden stump. The applicant has not been named in the FIR. The injured person had sustained injuries in the nature of frontal bone fracture fragment. The injured was discharged from the hospital after treatment.

3. The applicant has not been named in the FIR. He is allegedly one of the person who was unknown to the complainant. However, no Test Identification Parade was conducted. The applicant is in custody for a period of about 20 months.

4. Learned APP submitted that five cases were registered against the applicant out of which one case has resulted in acquittal. Externment proceedings were also initiated against the applicant. The criminal antecedents of the applicants are registered vide C.R. No. 41 of 2010 which is resulted in acquittal. C.R. No. 429 of 2014 registered under Sections 326, 504 & 506 of IPC and C.R. No. 289 of 2015 for offences under Sections 427, 336 and C.R. No. 88 of 2016 under Section 324 and C.R. No. 124 of 2016 under Sections 452, 427 & 506 of IPC.

5. There was no Test Identification Parade to identify the applicant. The applicant is in custody since July, 2018. The case of prosecution qua applicant is weak on merits. Bail can be granted to applicant on certain terms and conditions.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 258 of 2020 is allowed;

- ii) The applicant is directed to be released on bail in connection with C.R. No. 255 of 2018 registered with Bhandup Police Station, Mumbai on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall stay out of jurisdiction of Bhandup Police Station, Mumbai till conclusion of trial.
- iv) The applicant shall furnish the details of his residence to the Investigating Officer after he is released on bail.
- v) The applicant shall attend Trial Court regularly on the dates of hearing of the case unless exempted by the Court.
- vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)