

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

BAIL APPLICATION NO.573 OF 2021

Sanjay Kumar Saligram Yadav ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Kamlesh Kumar Dubey for the Applicant.
Mr. Y.M.Nakhawa , APP for the Respondent-State.
API Santosh Solankar, Tulinj P.Stn. Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 28th October , 2021

P.C. :

Heard.

2 Applicant in the Crime No.1284 of 2019 registered with Tulinj Police Station, Palghar for the offences punishable under Sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code, 1860 seeks his enlargement on bail.

3 His first bail application was not entertained, however, was granted liberty to apply afresh. As such, first bail application was disposed off as withdrawn.

4 Heard learned counsel for the applicant and Mr. Nakhawa, the learned Prosecutor for the State.

5 Prosecution case in brief, is that deceased Badal Subhash Sinh, a friend of the complainant was assaulted by four auto-rickshaw drivers by bamboo and iron angles. Report was filed soon after the incident against the unknown persons. On 18th February, 2020 statement of one Mr. Mishra, a guard in the society adjoining the place of incident, was recorded. Mr. Mishra would state that he came to know from the police that Badal Subhash Sinh (Deceased) was assaulted by four persons and one of them was applicant. Further he stated he would identify persons, who had assaulted the deceased. Test Identification

Parade was held on 17th January, 2020 wherein witness Mishra and the complainant identified two persons. Applicant was one of them. Thus, to be stated that except Test Identification Parade, there is no material on record to connect the applicant to the crime in question. Additionally, it may be stated that there is neither recovery from the applicant of incriminating material nor there are criminal antecedents against him. Applicant is in custody since 16th November, 2019. Investigation in the case is over and the charge-sheet is filed. In my view, applicant's presence for the trial can be secured by imposing suitable conditions. Application is allowed. Hence, the following order:

ORDER

(I) Applicant in Crime No.1284 of 2019 registered with Tulinj Police Station, Palghar shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) He shall furnish his present and permanent residential address and contact number to the Investigating Officer within seven days from the date of his release from the custody.

(iii) He shall report to the Investigating Officer twice a month, i.e., 2nd and 4th Monday of every month commencing from November, 2021 between 11 a.m. to 1 noon till the charge-sheet is filed.

(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

6 The application is accordingly allowed and disposed of.

7 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

