

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 951 / 2021

Sahil Sadanand Koli

.....Applicant

V/s.

The State of Maharashtra

....Respondent

* * * *

Ms. Anjali Patil, Advocate for the applicant.

Ms. M.H. Mhatre, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Friday, 23rd April, 2021.

P.C. :

1. Heard learned Counsel for the applicant and learned APP for State.

2. Applicant seeks his enlargement on bail in connection with Crime No.110/2019 registered at Nhava Sheva Police Station for the offences punishable under Sections 394, 397, 342 read with Section 34 of the Indian Penal Code.

3. Applicant was heard on 24th September, 2020 and granted liberty to renew his request for enlargement on bail after six months. In view of the liberty granted, applicant has preferred this application.

4. Applicant is in custody since October, 2019. It is alleged that, the applicant and the co-accused, robbed the complainant (salesman-saree vendor) of cash Rs.1,700/- and ten sarees. It is alleged, by force, complainant was moved to a lonely place. He was tied by rope, whereafter applicant and the co-accused assaulted him of cash and sarees. He alleged, one of the co-accused inflicted a knife injury on his shoulder. In substance it is alleged, on knife point, he was robbed of cash and sarees, by the accused.

5. Injury Certificate shows, complainant had sustained ten injuries. One of the injuries, was incised wound on the left shoulder. Other injuries were either abrasions, contusions, evidencing, he was assaulted by kicks and blows. *Prima-facie*, the evidence does not suggest, the complainant had suffered grievous injuries. Thus, *prima-facie*, offence under Section 397 of the

Indian Penal Code is not made out. At this stage, though I have no reason to disbelieve the eye-witness, however, although the investigation is over, trial is not likely to commence in the near future. Applicant is in custody for a year and four months. It may also be stated that, there are no criminal antecedents against the applicant. In consideration of facts of the case and for the reasons stated, application is allowed subject to following conditions :

O R D E R

(i) The applicant arrested in Crime No. 110/2019 registered at Nhava Sheva Police Station, shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer twice a month i.e. second and fourth Monday of each month between 11:00 to 1:00 p.m. commencing from May, 2021 till the charge is framed and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

(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 off.

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

(SANDEEP K. SHINDE, J.)