

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 848 OF 2020

Shashikumar Durgaprasad Jaiswar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Kabul Singh Labana, Advocate for the Applicant.

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

Mr. M. V. Choudhari, A. P. I. Ulhas Nagar, Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th MARCH, 2021

PER COURT:

1. The applicant is arrested on 10th July, 2019 in connection with C.R. No. I-147 of 2019 registered with Ulhasnagar Police Station, Dist. Thane for offences under Section 302 r/w Section 34 of Indian Penal Code and Sections 4 & 25 of the Indian Arms Act.

2. The prosecution case is that, on 9th April, 2019 FIR was registered alleging that at around 10.30 p.m. the complainant was informed by one girl that his brother is being assaulted by unknown person. The complainant rushed towards the spot and noticed that his brother Sundaram has received injuries from the accused Bipin

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Yadav. He shouted for help. The accused ran away from the spot. The FIR was registered. Investigation proceeded. Apart from the accused accused No.1, three other persons including applicant were arrested.

3. The prosecution case is that the C.C.T.V. footage which was recovered during the course of investigation reveals that the assailant (accused No.1) had handed over the weapon used in commission of crime to the applicant and the same was thrown by him in gutter. Thus, the overt act which is attributed to the applicant is of destroying the evidence. The applicant could be at the most charged for offence under Section 201 of Indian Penal Code. It is not the case of the prosecution that the applicant had participated in the murder of the deceased. The applicant was not present at the scene of offence. Investigation is completed and the charge-sheet is filed. Further detention of the applicant is not warranted.

4. There are no criminal antecedents against the applicant. Considering the factual matrix of the case, further custody of the applicant is not necessary. Hence, case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No. 848 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-147 of 2019 registered with Ulhasnagar Police Station, Dist. Thane on executing P.R. Bond

in the sum of Rs.25,000/- with one or more local sureties in the like amount;

(iii) The applicant shall report Ulhas Nagar Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(iv) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court.

(v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)