

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3752 OF 2021**

1] SHAILESH SUBHASCHANDRA TIWARI
2] VIJAYRAJ UMAPATI SHUKLA Applicants.
V/s
THE STATE OF MAHARASHTRARespondent

Mr. Hitesh Jain a/w Mr. Deepak Patel a/w Mr. Sunil Singh i/b Krishna Singh for the Applicant.

Mr. M.G. Patil, APP for the Respondent/State.

PI Prakash Pawar and PSI Sameer Pawar, Samata Nagar Police Station, Thane, Mumbai, present.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 08, 2021

P.C.:-

1] In response to court's query, learned APP informs that the charge-sheet in the matter will be tendered within a fortnight as investigation is almost completed.

2] In the aforesaid backdrop, with the assistance of learned APP and Investigating Officer, I have perused the investigation papers. The offence as alleged, punishable under Sections 341, 342, 365, 323, 504, 506 and 34 of IPC is based on allegation of abduction. Incident appears to have taken place on 23rd September, 2021. Applicants were

apprehended by the public on the spot and were taken to Police Station. Offence came to be registered in intervening night of 23rd September, 2021 and 24th September, 2021. It appears that Applicants are shown to have been arrested in the evening of 25th September, 2021 and were produced before the Magistrate on 26th September, 2021 when PCR was obtained. Subsequently on 7th October, 2021, supplementary statement of the complainant came to be recorded which has resulted into invoking provisions of Section 364A against the Applicants.

3] It appears that when the complaint was lodged, there were no specific allegations as regards the offence under Section 364A of the IPC and as such based on the contents in the FIR offence came to be registered against the Applicants punishable under Section 365 which is punishable for seven years. As such, it could be inferred that allegations for the offence under Section 364A are inserted by way of afterthought. Apart from that there are no criminal antecedents against the Applicants. The investigation in the matter is almost over. In that view of the matter, case for grant of bail is made out.

4] Applicant is directed to be released on bail in C.R. No.674 of 2021 registered with Samta Nagar Police Station for the offence punishable under Sections 341, 342, 365, 323, 504, 506, 120B, 364, 364A read with Section 34 of the IPC on furnishing P R. Bond in the sum of Rs. 15000/- with one or more sureties in the like amount. Applicant shall not directly or indirectly influence the prosecution witnesses or tamper with the evidence. Applicant shall attend the Investigating Officer as and when directed.

5] Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)