

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

BAIL APPLICATION NO. 927 OF 2021

Pankaj Lalbahadur Singh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Vinod Kashid for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th MARCH, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.139/2018 pending on the file of Additional Sessions Judge, Thane for offences under sections 302 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Vinod Kashid, learned counsel for the Applicant and Ms. Rutuja Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by learned counsel for respective parties.

3. The case of the prosecution is that on 09/10/2017 at about 11:30 p.m., the Applicant and the co-accused committed murder of one Arun

Katkar. The crime was registered against the present Applicant pursuant to the first information report lodged by Sachin Shekhar Jatan. The complainant who is the eye witness, has stated that on 09/10/2017, at about 10:00 p.m., he along with the deceased – Rahul Pawar went to a bar. At that time, he heard Rahul Pawar stating that he will kill Arun. Subsequently, on the same day, at 11:30 p.m., he was proceeding to Dombivli by rickshaw. They halted on the road to answer the call of nature, at which time, another rickshaw came to the spot of the incident. Three persons including the co-accused – Rahul alighted from the said rickshaw, they dragged out Arun from the rickshaw and thereafter, one unknown person who was present with Rahul Pawar, inflicted a blow of chopper on the head of Arun Katkar. Subsequently, Rahul Pawar took the chopper from his hand and inflicted another blow on the head of Arun Katkar. The complainant has stated that he too had sustained injuries when he had intervened and tried to prevent them from assaulting the deceased – Arun.

4. The supplementary statement recorded on the same date, prima facie reveals that the co-accused – Rahul Pawar who is the brother-in-law of the deceased and another unknown person who was present along with him had inflicted injuries and caused death of Arun Katkar.

The Applicant was known to the complainant but he has not been named either in the complaint or in the supplementary statement. It was only in the statement dated 22/12/2017 which was recorded after the Identification Parade which was conducted two months after the date of the incident, that the complainant has alleged that the Applicant had assaulted Arun Katkar by slaps and kicks. Apart from the said statement which was recorded two months after the incident, there is no prima facie material on record to show that the Applicant was involved in inflicting injuries on the deceased – Arun Katkar. The complaint and the supplementary statement prima facie indicate that it was Rahul Pawar and the co-accused who had inflicted injuries on said Arun Katkar and caused his death.

5. The Applicant is in custody since 11/10/2017. It is stated that till date, no charge is framed. In this backdrop and particularly the role attributed to the Applicant, in my considered view, this is a fit case for grant of bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.139/2018 pending on the file of Additional Sessions Judge, Thane, is ordered to be released on cash bail in the

sum of Rs.50,000/- (Rupees Fifty Thousand) for a period of four weeks.

- (ii) The Applicant shall, within the said period of four weeks, furnish PR bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount.
- (iii) The Applicant shall report to Rabale M.I.D.C. Police Station, Navi Mumbai, once in a month on every 1st Saturday between 11.00 a.m. to 01.00 p.m. until further orders;
- (iv) The Applicant shall not interfere with the complainant and/or shall tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (vi) The Applicant shall co-operate with the conduct of the trial

and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

Digitally signed by
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(SMT. ANUJA PRABHUDESSAI, J.)