

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

CRIMINAL BAIL APPLICATION NO. 3716 OF 2021

Atul Mahendra Singh

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Sudeep Pasbola i/b. Ayush Pasbola for Applicant.

Mr.J.S. Lokhare, APP for State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 22 MARCH 2022

P.C. :

This is an Application for bail under Section 439 of Cr.PC. filed by the aforesaid Applicant, who is facing trial for offences under Sections 302, 307, 324, 323, 504 read with 34 of IPC.

2. Crime No.I-21/2021 was registered against the Applicant and others pursuant to an FIR lodged at Sreenagar Police Station, Thane for offences under Sections 302, 307, 324, 323, 504 read with 34 of IPC.

3. Case of the prosecution is that on 23 February 2021 at about 9.00 p.m., co-accused Rajkiran Yadav and Piyush Pandey assaulted complainant Suraj Jaiswal by kicks and blows. The Applicant and co-accused Rahul Yadav also joined them in assaulting him. The complainant has alleged that Piyush Pandey and Raj Kiran Yadav inflicted blow of Koyta on his head and back. The complainant was taken to Vedant hospital. The complainant expired on 3 March 2021 while undergoing treatment in the

said hospital. The medical certificate issued by Vedant Hospital shows that the complainant had deep CLW over right frontal region and CLW over back and had excessive bleeding. The PM report reveals that the complainant had expired due to head injury.

4. The complaint *prima facie* indicates that the Applicant was involved in assaulting complainant by kicks and blows. He was not armed with any weapon. He had not inflicted any fatal blow. The material on record also indicates that Rajkiran Yadav had also lodged FIR against deceased Suraj Jaiswal and other co-accused persons and crime has been registered against him for offences under Sections 326, 323, 504 read with 34 of IPC. The record *prima facie* indicates that there was scuffle between two groups. As noted above, the Applicant was not involved in inflicting fatal blow. It is stated that the chargesheet is filed and presence of the Applicant is not required for the purpose of investigation and interrogation. Considering the large pendency, the trial is not likely to conclude. The Applicant is resident of Thane. There is no possibility of the Applicant absconding. Under the circumstances, the Applicant is entitled for bail.

5. Hence, the application is allowed on the following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.50,000/- with one or two sureties in the like amount.

(b) The Applicant shall not interfere with the witnesses or tamper with evidence, in any manner.

(c) 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.

(d) 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.

(SMT. ANUJA PRABHUDESSAI, J.)