

PMB

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

BAIL APPLICATION NO.386 OF 2022

NAGESH SAMARBAHADUR SINGH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.4366 OF 2022
IN
BAIL APPLICATION NO.386 OF 2022**

ZULFIKAR KASAM MOMIN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. A. R. Singh for applicant.
Ms. G. P. Mulekar, APP for State.
Mr. Vivek B. Pandey for intervenor.
Mr. Sanjay Marathe, PI, Dahisar Police Station is present.
Mr. Sudhir Korgaonkar, PSI, Pairavi, Kasturba Marg Police
Station is present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2022.

P.C. :

1. Heard learned counsel for the parties.
2. This is an application for bail by the applicant-Nagesh Samarbahadur Singh in connection with C.R. No.65 of 2019 dated 10/02/2019 registered with Kasturba Marg Police Station, under Sections 307, 324, 326, 504, 201, 120-B

read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short).

3. It is alleged that there is some dispute between the applicant and the injured victim over a plot of land where the applicant was having a cowshed. It is claimed by the complainant that the property belongs to him. In the course of some dispute over the property, the assailant i.e. Hardik Tejbahadur Singh @ Sonu and the brother of the applicant- Amit assaulted the victim. The victim suffered severe injuries. The injuries are mentioned in the certificate of Suchak Hospital which is at page 51 of the paper book. It is alleged that under the instructions of the applicant the hard disk of the CCTV camera has been destroyed which were installed around the cowshed.

4. It is alleged that the assailants assaulted the victim all over the body. There is a fracture injury on the right leg. The applicant at the relevant time was in Uttar Pradesh. It is alleged that the entire episode is at the behest of and has been orchestrated by the applicant.

5. Learned APP and learned counsel for the complainant

opposed the application. Learned counsel for the complainant contended that the applicant is a criminal and there are criminal antecedents against him. One antecedent is under Section 354 of the IPC.

6. The applicant was initially granted pre-arrest bail and later on the application was rejected. Eventually the applicant was arrested on 31/10/2021. He is in custody for more than 14 months. The allegation is that the entire incident is at the behest of the applicant and orchestrated by him. This is a subject matter of trial. The applicant is not the assailant. There was a dispute between the applicant and the complainant over the plot of land over which the applicant claimed to have a cowshed. The charge-sheet has been filed. The investigation is complete. There are civil proceedings pending between the victim and the applicant. The trial is not likely to commence and conclude any time soon. Considering the role assigned to the applicant, I am inclined to release the applicant on bail but by imposing some stringent conditions. Hence, the following order :-

: ORDER :

- (a) Application is allowed.

(b) Applicant-Nagesh Samarbahadur Singh shall be released on bail in connection with C.R. No.65 of 2019 registered with Katurba Marg Police Station, on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(e) The applicant shall not enter the areas of Greater Mumbai and Thane district on being released on bail except for attending the dates fixed by the trial Court or as may be directed by the Civil Court in the pending proceedings.

(f) The applicant shall report to the nearest police

station close to his residence while staying outside Greater Mumbai and Thane district once in a week i.e. every Sunday between 10.00 a.m. and 12.00 p.m. The details be furnished to the Investigating Officer.

(g) Liberty to apply for modification of the conditions after six months from today.

- 7.** The Bail Application is disposed of.
- 8.** The Interim Application is also disposed of.

(M. S. KARNIK, J.)