

AGK

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

BAIL APPLICATION NO.983 OF 2023

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Shubham Santosh Bankar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Akshay Bankapur for the applicant.

Mr. P.H. Gaikwad, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 14, 2023

PC.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 in relation to C.R. No.197 of 2022 registered with Panchavati Police Station, Nashik for the offence punishable under Sections 307, 367, 201, 323, 504, 143, 147, 148 and 149 of the Indian Penal Code, 1860 and Section 135 of the Bombay Police Act.

2. According to prosecution, there was previous enmity between accused and victim. On 5 June 2022 the accused persons kidnapped victim when he was in the vegetable market with his friend Roshan. It is alleged that accused persons kidnapped the victim in an auto rickshaw and thereafter took him to four different places and assaulted him with wooden logs and floor tiles causing grievous injuries on his head and limbs. The victim was

thereafter admitted to the hospital. Accordingly, first information report was lodged against the applicant and other accused.

3. The applicant was arrested on 7 June 2022. The investigating agency thereafter complete investigation and filed charge-sheet.

4. The application filed by the applicant under Section 439 of the Criminal Procedure Code, 1973 before the learned Sessions Judge came to be rejected by order dated 7 November 2022.

5. On perusal of the record, it appears that no active role is assigned to the applicant. Prima facie, only role which can be attributed to the applicant is of accompanying remaining accused and driving auto rickshaw in which the victim was kidnapped.

6. The applicant is in jail since more than one year. There are no antecedents to the discredit of the applicant. Hence, following order:

a) The applicant shall be released on bail in connection with C.R. No.197 of 2022 registerd with Panchavati Police Station, Nashik for the offence punishable under Sections 307, 367, 201, 323, 504, 143, 147, 148 and 149 of the Indian Penal Code, 1860 and Section 135 of the Bombay Police Act, on furnishing P.R. Bond in the amount of Rs.25,000/- along with one or two sureties in the like amount;

b) The applicant shall mark his presence with the investigating officer on first Saturday of every month between 11.00 a.m. to 2.00 p.m. till conclusion of the trial;

- c) The applicant shall remain present before the Trial Court on every date, unless specifically exempted by the Court;
 - d) The applicant shall not directly or indirectly influence the witnesses or tamper with the evidence collected by the prosecution in any manner;
 - e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
7. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)