



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

BAIL APPLICATION NO. 995 OF 2023

ANIL KUMAR SANJAY KUMAR
GUPTA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Manjula A. Biswas for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302 read with 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) and 6 of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, registered on 08/07/2022 vide C.R. No.787 of 2022 with Powai Police Station, Mumbai.

3. The applicant is the accused no.2. The applicant was arrested on 08/07/2022. The alleged incident took place on

07/07/2022 at about 11.30 p.m. The deceased and accused No.1 had an altercation and abused each other. Accused No.1 assaulted the deceased with a knife.

4. Learned APP opposed the application. It is submitted by learned APP that the present applicant who is accused No.2 was present at the place of the alleged incident. It is further submitted by the learned APP that the applicant has played an active part and has assaulted the deceased with fist blows.

5. There is a statement of one witness who says that the present applicant who is accused No.2, assaulted the deceased with fist blows. There is another witness who was present at the place of the alleged incident and does not mention anything about the role of the applicant. The specific role is attributed to accused No.1. These are my *prima facie* observations. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. The applicant is in custody for more than 1 year and 4 months as an undertrial. The trial is likely to take a long

time to conclude. The applicant can be enlarged on bail.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Anil Kumar Sanjay Kumar Gupta in connection with C.R. No.787 of 2022 registered with Powai Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Powai police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (e) 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.
- (f) The applicant shall not enter the area of Saki Vihar Road after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)