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

BAIL APPLICATION NO.1290 OF 2023

SARFAROSH SIRAJ ANSARI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Devendra Patil for the applicant.

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

API Popat Nale, Kalwa Police Station, Thane.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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, 143, 146, 147, 148, 149, 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1), 135 of Maharashtra Police Act registered on 01.06.2022 vide C.R. No.265 of 2022 with Kalwa Police Station, Thane.

3. The date of the incident is 01.06.2022. There are in all five accused. The applicant is the accused No.4. The

applicant was arrested on 02.06.2022. The prosecution case is that the accused suspected that the victim had stolen the mobile phone. The accused caught hold of the victim whom they thought to be a thief. The accused assaulted the victim with bamboos, leather belt, fist and kick blows. The victim died.

4. Learned APP opposed the application for bail.

5. I have perused the injuries as reflected from the post mortem notes. The incident happened as the accused thought that the victim was the one who had stolen the mobile phone. The intention may not have been to kill the victim. These observations are prima facie in nature for consideration of this application. There are no criminal antecedents reported against the applicant. Considering the role of the present applicant and in the facts and circumstances of the present case, though the application is opposed by learned APP, I am inclined to enlarge the applicant on bail since the applicant is in custody for more than eighteen months with no possibility of the trial concluding any time soon. The investigation is complete and

the charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sarfarosh Siraj Ansari in connection with C.R. No.265 of 2022 registered with Kalwa Police Station, Thane 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 is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Kalwa Police Station, Thane once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (e) 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.
- (f) 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.

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

(h) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)