



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

BAIL APPLICATION NO. 1704 OF 2023

SURENDRA SWAMIKUMAR KANOJIA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aamir N. Malik i/b Adv. Zubair Chakoli for the
Applicant.

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

PSI Dilip Sawant, Bandra Police Station, Mumbai.

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, 201, 377 and 34 of the
Indian Penal Code registered on 04/01/2019 vide C.R.
No.08 of 2019 with Bandra Police Station, Mumbai.

3. The date of the alleged incident is 04/01/2019. The
applicant was arrested on 01/02/2019. There are in all 2
accused. The applicant is accused No.2. It is alleged that

the accused committed the act and killed the victim which constitutes an offence under the aforesaid sections. The case is based on circumstantial evidence. The material against the applicant is in the form of a statement of the co-accused and the statements of some witnesses which indicates that the applicant and the co-accused were last seen in the company of the deceased. There is recovery at the instance of the co-accused.

4. Learned APP opposed the application and requested to expedite the trial. However, looking at the workload of the trial Court I am not inclined to direct the trial Court to expedite the trial.

5. There are no criminal antecedents reported. The case is based on circumstantial evidence. The applicant is in custody for more than 4 years and 10 months as an undertrial. There is no recovery at the instance of the applicant. Learned APP submitted the trial has commenced and 1st witness is under examination. Even otherwise it appears that the trial is likely to take a long time to conclude. The applicant does not appear to be a flight risk.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Surendra Swamikumar Kanojia in connection with C.R. No.04 of 2019 registered with Bandra 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 Bandra 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 attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (g) The applicant shall surrender his passport to the

investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

- 6.** The application is disposed of.

(M. S. KARNIK, J.)