

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2359 OF 2022

Ankush Krishna Saroj

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ankesh Thakur i/b. Mr. Charan Penthalia, Advocate for the Applicant.

Mr. Amit A. Palkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.792 of 2021 registered with Kalyan Railway Police Station for offences punishable under Sections 307 and 34 of Indian Penal Code, 1860.

2. It is prosecution's case that 15th October 2021 at around 16.20 hours, complainant was going to meet his friend by train, when the train stopped at Titwalla Railway Station, the complainant got down and purchased bottle of water. At the same time, a known

person viz. Ajay came near the complainant and told him that “from last one year, you are selling tobacco in mail and express train, and asked him for ransom. When the complainant denied, the accused – Ajay threatened him. It is further alleged that accused – Ajay forced complainant to board train. Thereafter when the train started, at that moment accused -Ajay with his associates i.e. present applicant and other co-accused caught the complainant and assaulted him with blade and knife. However, a passenger caught hold of applicant and co-accused Bilal on the spot.

3. It is the contention of learned counsel for applicant that blade is recovered at the instance of applicant and the injuries caused to applicant are not life threatening. Applicant is behind bar for more than two years. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant and co-accused had assaulted first informant with blade and knife with the intention to kill him. Applicant was caught red-handed by a passenger. Blade is recovered from possession of the applicant. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

6. The injuries caused to complainant shows that one injury is grievous and other injuries are simple injuries. Applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed.

7. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.792 of 2021 registered with Kalyan Railway Police Station, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed off.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)