



Diksha Rane

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

BAIL APPLICATION NO.2259/2023

ARPUTRAJ PALRAJ NADAR @ APPU ..APPLICANT
VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. S. T. Gharbudave, Adv. Akshay Tilve, Adv. Snehal
Sapkale, Adv. Rohan Sagam for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 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 395, 427 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with 4 and 25 of the Indian Arms Act registered on 10/7/2014 vide C.R. No.222/2014 with Kandivali Police Station.
- 3.** The application for bail is seriously opposed by learned APP contending that after the offence was registered, the applicant absconded. The applicant committed an offence

which was registered vide C.R. No.169/2016 under Sections 395, 397 of the IPC read with 3, 25 of the Arms Act read with 37(1), 135 of the Maharashtra Police Act, in respect of which the trial is on going. It is submitted that the offence in C.R.No.169/2016 was committed during the period the applicant absconded. It is prayed that the applicant be denied the facility of bail considering the antecedents. Learned APP pointed out that there is one more antecedent of the year 2013 being C.R.No.84/2013 registered with Pantnagar Police Station under Sections 395, 397 read with 34 of the IPC read with 3, 4, 25, 27 of the Indian Arms Act.

4. In so far as the present C.R. i.e. C.R.No.222/2014 is concerned, the co-accused have been acquitted by the trial Court. The applicant is incarcerated for more than six years and six months and not a single witness has been examined so far according to learned counsel for the applicant. The prosecution proposes to examine thirty-three witnesses. No doubt, the applicant had absconded. It appears that the trial is not likely to conclude any time soon.

5. Learned APP has some justification in submitting that not only the applicant had absconded but during this period

he committed an offence which is registered vide C.R.No.169/2016.

6. The applicant is in custody for more than six years and six months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are 16 criminal antecedents reported against the applicant. The applicant was enlarged on bail. However, the applicant, in my opinion, can be enlarged on bail by imposing stringent conditions considering the long incarceration as an under-trial. It is necessary to impose stringent conditions considering the propensity of the applicant to commit similar offences. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Arputraj Palraj Nadar @ Appu in connection with C.R. No.222/2014 with Kandivali Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of

Kandivali police station once in a week on every Sunday 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 leave the jurisdiction of Mumbai/Mumbai Suburban District without permission of the trial Court till the trial is over.

(g) The applicant shall attend the trial regularly.

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

7. It is with some reluctance I am enlarging the applicant on bail considering the long incarceration. However, if it brought to the notice of this Court that the applicant flouts any of the conditions aforementioned, a strict view will be

taken.

8. The application is disposed of.

(M. S. KARNIK, J.)