

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3134 OF 2022**

Sagar Chandramauli Ponnala ...Applicant
vs.
State of Maharashtra ...Respondent

Ms. Misbah Solkar with Mr. Umang Shah for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 23RD JUNE 2023

P. C. :

1. On the last date I have heard Ms. Solkar for the Applicant at great length.
2. The grounds taken are reproduced in the order dated 6th June 2023. There is one chart annexed to the charge-sheet which gives details about various mobile numbers and who are the subscribers. It is submitted that this chart is prepared after scrutinising all call details report, certainly the police have done that exercise. It is on page 383. At the right hand bottom there is reference of the name of present Applicant and cell number is 98674 90910.
3. On the last date learned APP sought time to verify, what are

other material collected during the charge-sheet to substantiate the circumstance that this cell number belongs to present Applicant.

4. Today, after taking instructions from the Investigating Officer, it is submitted that he could not find any supporting material from the charge-sheet. Initially, the offence was registered under section 326 of IPC against unknown persons on 11th September 2021. The injured was found by police constable on 11th September 2021. He shifted the patient to Shivam hospital, Dombivali. He succumbed to the injuries and then the offence is converted into 302 of IPC.

5. The deceased seems to be person in need of the job. Accused No.1-Rihan was working in company Job Street Recruitment. The company used to call persons in need of employment and they used to assist such persons. The deceased was called under same pretext, however, he was assaulted and there is an attempt to rob him.

6. There are few materials which are pointed out to me. At the instance of accused No.1-Rihan, his clothes and clothes of deceased are seized (page 142). One bag belonging to the deceased was snatched by juvenile accused and while running away, he has thrown that bag. Whereas the watchman-Netaji Maruti Shinde of Regency Park society, in the vicinity has witnessed one person

running away. He was in age group of 16 to 17 years. It happened on 11th September 2021. The prosecution claims that said boy is none other than Applicant-accused and he has thrown away bag belonging to the deceased. The said watchman has kept that bag in cabin and it is handed over to police.

7. The prosecution claims that this bag was seized on 17th September 2021. The prosecution wants to connect the present Applicant to seizure of this bag but it is fact that this seizure is not under the memorandum as contemplated under section 27 of the Evidence Act. There is no recovery at the instance of present Applicant. The materials quoted above are not sufficient warranting further detention of the Appilcant. He deserves to be released on bail. Hence the following order is passed :

ORDER

- (a) The Applicant-Sagar Chandramauli Ponnala be released on bail in connection with C.R. No.I-478 of 2021, registered with Manpada police station for the offences punishable under sections 326, 302 read with 34 of IPC, on furnishing personal bond and surety bond of Rs.25,000/-.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
 - (c) The Applicant shall give attendance to the Manpada police station on every first Monday of every month from 10 am to 12 noon for one year.
 - (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.
8. Application is disposed of accordingly.
9. These are my prima facie observations and the trial Court may not be influenced by that.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]