

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4482 OF 2021

Sandeep Motilal Yadav

...Applicant

Versus

State Of Maharashtra

...Respondent

Ms. Feroza A. Shaikh for the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C. R. No. 702 of 2019 registered with Shivaji Nagar Police Station, Mumbai for offences under Sections 302, 307, 385, 323, 504 & 506 r/w 34 of Indian Penal Code (for short "IPC") and Section 37 (1)(A) r/w 135 of Bombay Police Act.

2. It is prosecution's case that on 4th July, 2021 at about 4:30 a.m. co-accused assaulted the brother of first informant Mohammad Guljar Shaikh with wooden bamboo and wooden ply. In the supplementary statement of first informant, name of applicant was added.

3. It is contention of learned counsel for applicant that the name of applicant was not mentioned in FIR. In the supplementary statement, first informant mentioned that after taking additional information, he came to know that applicant had beaten up the deceased. It shows that the applicant is falsely implicated in this case. There is no recovery of weapon at the instance of applicant. Learned counsel further submits that accused no.1 Anwar Iqbal Khan is released on bail by this Court (Coram: Bharti Dangre, J) by order dated 11th October, 2022. Though, the first informant knew the applicant, who was eye witness to the incident has not mentioned the name of the applicant in First Information Report. Eye witnesses have stated about assault by the applicant, but their statements are recorded after four to five days of incident. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. It is contention of learned APP that first informant has stated that applicant has assaulted the deceased. He is eye witness of the incident, which show involvement of applicant in crime. 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. Though, the first informant knew applicant and he saw the incident, he didn't mention name of applicant in complaint. Applicant's name is added in this crime in supplementary statement. Accused No. 1 is released on bail by this Court. Investigation is completed and charge has been filed. Applicant is behind bar for more than two years. Considering above facts further detention of the applicant is not required.

6. In view of above I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail in Crime No. 702 of 2021 registered with Shivaji Nagar Police Station, Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iv) 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.

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

7. The application is allowed in the aforesaid terms and is
accordingly disposed of.

(SHIVKUMAR DIGE, J.)