

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

CRIMINAL BAIL APPLICATION NO. 1446 OF 2024

Deep Vikramsingh Negi Bhansingh Negi ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Tripti Shetty with Preshita P, Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. Nagnath J. Khune, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 19th DECEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.1356 of 2021 registered with Sangola Police Station, Dist.- Solapur for the offences punishable under Sections 457, 380 and 401 read with Section 34 of the Indian Penal Code, 1860 and Sections 5, 3, 14 and 14-A of the Foreigners Act, 1946.

3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the applicant has been implicated in the present offence on the basis of a statement of co-accused. Though the time was granted to the learned APP to take instructions from the Investigating Officer and point out the material collected during the investigation after the Investigating Officer revealed the fact from the statement of the co-accused that in the present offence the applicant is involved, nothing of that sort is pointed out.

4) The whole emphasis while opposing the present application is on the antecedents of the applicant. It is argued that the applicant is a habitual offender and in a systematic way he committed the present offence. However, nothing is pointed out that in what manner his involvement is there in the present matter.

5) Thus, prima facie nothing is pointed out to show his complicity in the present matter except the statement of the co-accused. It is further pointed out that the applicant is citizen of Nepal and if he is released on bail, it would be difficult to secure his presence for the trial.

6) Thereupon, the learned Counsel for the applicant has pointed out the judgment of the Hon'ble Supreme Court of India in Criminal appeal No. 2790 of 2024 in the case of Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari, wherein in a similar situation the Supreme Court of India granted bail by putting certain stringent conditions.

7) Thus, in absence of any prima facie case as regards the complicity of the applicant in the present offence even if there are antecedents; those cannot be basis or ground to reject the application for grant of bail in the present crime.

8) In the circumstances, I pass the following order.

ORDER

- a. The Bail Application is allowed;
- b. It is directed that the Applicant shall be released on bail in Crime No.1356 of 2021 registered with Sangola Police Station, Dist.-Solapur for the offences punishable under Sections 457, 380 and 401 read with Section 34 of the Indian Penal Code, 1860 and Sections 5, 3, 14 and 14-A of the Foreigners Act, 1946, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- c. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on every Sunday between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;
- d. The Trial Court shall impound the passport and/or citizenship document(s) of the applicant. If those are in the custody of the prosecution, those shall be handed over to the trial Court;
- e. The applicant shall not leave the territorial jurisdiction of the trial Court;
- f. He shall appear before the trial Court on each and every date of the trial;
- g. In addition to the above, the applicant shall mark his attendance before the police station which the trial court may indicate once in every fortnight till conclusion of the trial;

- h. He shall not tamper with the evidence and shall not threaten the witnesses.
- i. If there is any violation of the bail conditions as above, it would be open to the prosecution to move the trial Court for cancellation of bail.
- j. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]