

Anand

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

BAIL APPLICATION NO. 63 OF 2024

Sagar Suresh Singh

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Kamran S. Shaikh a/w. Mr. Faruk Shaikh & Ms. Ankita Rai,
Advocate, for the Applicant

Ms. M. H. Mhatre, APP, for the Respondent - State

CORAM : MADHAV J. JAMDAR, J.
DATE : 12.01.2024

P. C.

1. Heard Mr. Shaikh, learned Counsel appearing for the Applicant and Ms. Mhatre, learned APP appearing for the Respondent - State.

2. This Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* for regular bail. The relevant details are as under:-

1	C. R. NO.	199 of 2021
2	Date of Registration of F.I.R.	01.12.2021
3	Police Station	Faraskhana Police Station, Pune
4	Sections Applied	302 r/w. 34 of the <i>Indian Penal Code, 1860</i> 37(1)(3) and 135 of the <i>Maharashtra Police Act, 1951</i>
5	Date of Incident	01.12.2021
6	Date of Arrest	01.12.2021

7	Date of filing of Charge-sheet	Charge-sheet is filed
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3. As per the prosecution case, the incident occurred on 01.12.2021 in the early morning at about 5.30 a.m.. On that day, the informant went to the place of Accused No.1 for resolving an earlier dispute. At that time, a quarrel occurred amongst the accused, the deceased and other persons. According to the prosecution case, in the said quarrel, the present Applicant i.e. Accused No.1 assaulted the deceased with a wooden stick and a stone. As far as another accused is concerned, he is a child in conflict with law and he assaulted the deceased with a knife. As per the Post Mortem Examination Report, the death is caused due to a stab injury on the back. Even as per the prosecution case the role of the Applicant is that he assaulted the deceased with the wooden stick and stone.

4. Ms. Mhatre, learned APP appearing for the Respondent - State vehemently opposes the Bail Application on the ground that there are eye-witnesses and also that the evidence in the form of C.C.T.V. footage is available which shows that the Applicant was assaulting the deceased with a wooden stick and stone.

5. However, this is a case where the Charge-sheet has

already been filed. There are 15 eye-witnesses.

6. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

7. Even as per the prosecution case another accused who is a child in conflict with law has used the knife and the Applicant has assaulted the deceased with the wooden stick and stone. The Post Mortem Examination Report shows that the death is caused due to a stab injury over the back.

8. Mr. Shaikh, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will reside outside the Pune City.

9. The Applicant does not appear to be a flight risk.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

O R D E R

(i) The Applicant - Mr. Sagar Suresh Singh in connection with C. R. No. 199 of 2021 registered with the Faraskhana Police Station, Pune shall be released on bail on his furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall not enter Pune City on being released on bail except for reporting to the Investigating Officer, if called and for attending the trial;

(iii) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(iv) The Applicant shall report to the Police Station in the jurisdiction of which his residential address falls, once every week on every Sunday between 11.00 a. m. and 1.00 p. m. till the conclusion of trial. The Police Inspector of the said concerned Police Station to communicate details thereof to the Investigating Officer;

(v) 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 or her from disclosing the facts to Court or any Police Officer;

(vi) The Applicant shall not tamper with evidence;

(vii) The Applicant shall regularly attend the trial;

(viii) The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments;

(ix) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Application is disposed of.

[MADHAV J. JAMDAR, J.]