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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.289 OF 2024

Arjun Selvam Pille

....Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Keshav S. Chavan, for the Applicant.

Mr. S.R. Agarkar, APP, for State/Respondent.

Mr. Kanherkar, PSI, Dindoshi Police Station.

....

CORAM : N.J. JAMADAR, J.

DATE : 22nd JANUARY, 2024

P.C. :

1. Heard the learned Counsel for the applicant and learned APP for the State.

2. The applicant, who is arraigned in C.R. No.473 of 2021 registered with Dindoshi Police Station for the offences punishable under Sections 397, 506(2), 394 r/w. Section 34 of the Indian Penal Code, 1860 and Section 37(1)(a) r/w. 135 of the Maharashtra Police Act, 1951, has preferred this application to enlarge him on bail.

3. The prosecution case is : On 24th May, 2021, the applicant

and the co-accused Saraswati @ Sarsi boarded the first informant's auto rickshaw at Santosh Nagar. They asked him to take them to Mandvi Aarey Colony. When the auto rickshaw reached Santosh Nagar, the applicant allegedly placed a knife on the throat of the first informant and he was robbed on the point of knife. When the first informant raised the alarm, the persons working in the nearby Sahakar Bhandar came to his rescue. The applicant had allegedly threatened those persons if they tried to intervene. The applicant and the co-accused allegedly divested the first informant of cash amount of Rs.500/- and a mobile phone handset of Oppo make.

4. The learned Counsel for the applicant submitted that the applicant and the co-accused have been falsely roped in by the police. The alleged incident had occurred on 24th May, 2021. FIR came to be lodged on 27th May, 2021. There is no explanation for the delay. The learned Counsel also invited the Court's attention to the injury certificate of the first informant, which indicates that there was no visible injury on the first informant and he has narrated history of assault by four persons.

5. The learned APP resisted the prayer for bail by inviting the attention of the Court to the statement of witness Avdhesh Kumar, who seeks to lend support to the version of the first informant. The learned APP submitted that the applicant does not deserve to be released on bail. Attention of the Court is also invited to the antecedents of the

applicant, which indicate that the applicant has been arraigned in the offences against property in as many as 7 crimes since the year 2021.

6. Prima facie, there is delay in lodging the FIR. Secondly, the history narrated before the Medical Officer, indicates that the first informant had alleged that four persons had assaulted him and yet no visible injury was found on the person of the first informant. The statement of Avdresh kumar reveals that the said witness had known the applicant and the co-accused from before as they had been indulging in theft and robbery and they had robbed the auto rickshaw drivers in the past also.

7. In the aforesaid view of the matter, and the fact that the applicant has been in custody since August, 2021, I am inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

- (a) The application is allowed.
- (b) The applicant- Arjun Selvam Pille be released on bail in connection with C.R. No.493 of 2021 registered with Dindoshi Police Station on furnishing a P.R. Bond of Rs.30,000/- with one or more sureties in the like amount.

- (c) The applicant is permitted to furnish cash security of Rs. 30,000/- in lieu of surety for a period of 6 weeks.
 - (d) The applicant shall attend Dindoshi Police Station on the first Monday of every alternate month, between 11.00 a.m. and 1.00 p.m.
 - (e) 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.
 - (f) 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.
 - (g) The applicant shall attend the trial regularly.
9. The application is disposed of.

(N.J. JAMADAR, J.)