

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.254 OF 2024

**VISHAL
SUBHASH
PAREKAR**

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Date: 2024.04.02
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Himanshu Dilipbhai Somaya

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Falguni Brahmbhatt a/w. Mr. Abdul Kader Lokhandwala, for the Applicant.

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

Mr. Ramesh Waghchaure, PSI and Mr. Sunil Sonawane, Charkop police station.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 02, 2024

P.C.:

1. Heard the learned Counsel for the parties.
2. This is an application for bail preferred by the applicant in connection with C.R.No.997 of 2022 registered with Charkop Police Station for the offences punishable under Sections 457, 380 read with Section 34 of the Indian Penal Code.
3. By orders dated 15th January, 2024 and 20th March, 2024 this Court has released co-accused Raju Chettiyyar and Rajesh Shetty @ Chettiyyar on bail. The applicant appears to be, by and large, similarly circumstanced. The applicant has been in custody since 16th December, 2022.
4. Having regard to the period of incarceration and in the context of punishment which the offences under sections 457 and 380 of the Penal Code entail, further detention of the applicant

seems to be unwarranted. The apprehension on the part of the prosecution can be taken care by imposing conditions.

Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant Himanshu Dilipbhai Somaya be released on bail in C.R.No.997 of 2022 registered with Charkop Police station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (iii) The applicant shall mark his presence before Charkop Police Station on first Monday of every month between 11 am to 1 pm for a period of one year or till the conclusion of the trial whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution evidence. 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.
- (v) 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.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)