

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.374 OF 2024

Shri. Anshukumar Madhusudan Mehta ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rajas Naik, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. Balaji B. Mundhe, PSI, Palghar Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : JANUARY 31, 2024

P.C.:

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

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

1	C. R. No.	259 of 2023
2	Date of Registration of F.I.R.	26/10/2023
3	Name of Police Station	Palghar Police Station, District-Palghar
4	Section/s invoked	436 of the <i>I.P.C., 1860</i>
5	Date of incident	26/10/2023
6	Date of arrest	26/10/2023
7	Date of filing Charge-sheet	17/11/2023

3. It is the prosecution case that on 26th October 2023 at around 2:30 a.m. the Complainant found that smoke was coming inside the house and that it was found that his motorcycle was burning and the window near the motorcycle had also caught fire. Thereafter, during investigation, in the CCTV footage it has been discovered that the Applicant has lit the said motorcycle on fire. Accordingly, the offence is registered under Section 436 of the *Indian Penal Code, 1860* ("I.P.C.").

4. It is the contention of Mr. Naik, learned Counsel appearing for the Applicant that Section 436 of the I.P.C. will not apply to the facts and circumstances of the present case. In any case, he submitted that investigation has been completed and Charge-sheet has been filed on 17th November 2023. He therefore prayed for bail.

5. Ms. Shinde, learned APP, strongly opposed the Bail Application. She submitted that there is a CCTV footage on record which shows involvement of the Applicant in the offence in question.

6. The material on record shows that the incident had occurred on 26th October 2023. The Applicant has been arrested immediately on 26th October 2023 and Charge-sheet has been filed on 17th November 2023. As per the Charge-sheet, there are about 23 witnesses proposed to be examined by the Prosecution.

7. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The Applicant does not have any criminal antecedents.
8. The Applicant does not appear to be at risk of flight.
9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Anshukumar Madhusudan Mehta be released on bail in connection with C. R. No.259 of 2023 registered with the Palghar Police Station, District-Palghar on his furnishing P. R. Bond of Rs.25000/- with one or two sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Palghar Police Station, District-Palghar once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]