

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

BAIL APPLICATION NO.855 OF 2024

Pradeep Lallan Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. R. D. Suryawanshi, for the Applicant.

Ms. Savita Yadav, APP, for the Respondent-State.

Mr. Viral Babar, for the Intervenor.

Ms. Rohini Doke, P.S.I., Tulinj Police Station, District-Palghar, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : MARCH 20, 2024

P. C.

1. Heard Mr. Suryawanshi, learned Counsel for the Applicant, Ms. Yadav, learned APP for the Respondent-State and Mr. Babar, learned Counsel for the Intervenor.

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.	129 of 2024
2	Date of registration of F.I.R.	12/02/2024
3	Name of Police Station	Tulinj, District-Palghar
4	Section/s invoked	307, 323, 324, 34, 504 & 506 of the I.P.C., 1860
5	Date of incident	12/02/2024
6	Date of arrest	15/02/2024

3. As per the prosecution case, on 12th February 2024 in the afternoon on 3.30 p.m. the Informant, his brother Prakash Naik and his nephew Kumar Prabhakar Naik and son Shashank Dattatraya Naik went with labourers for affixing a board on land bearing Survey No.40, situated at Ram Bhau Nagar, Ambavadi Tulinj, Nallasopara (East), Taluka-Vasai, District-Palghar. At that time, the Applicant and others came at the spot and started taking objections for affixing the said board and started scuffling with the Informant and others and neighbours.

4. As per the prosecution case, the Applicant abused the Informant and the Applicant in a fit of rage took the iron crow bar with the intention to kill the Complainant and attacked him on his head and when the Complainant tried to obstruct the said blow, he sustained injuries on his hands. It is alleged that when the Complainant's son intervened in the fight, at that time he was also assaulted by the co-Accused on his right ear and caused injuries to Complainant's son. It is alleged that the Applicant also assaulted the labourer.

5. It is the contention of Mr. Suryawanshi, learned Counsel for the Applicant that the civil dispute is going on between the parties for last about one year. In fact the Writ Petition No.19045 of 2023 is pending in this Court. He submitted that no such alleged incident has taken place. There are no injuries on the body of the injured and therefore the Bail

Application be granted.

6. On the other hand, Ms. Yadav, learned APP and Mr. Babar, learned Counsel for the Intervenor submitted that the Applicant has mercilessly assaulted the injured with a crow bar. Both of them submitted that there are four antecedents as well as one N.C. Complaint was lodged against the Applicant. Both of them therefore submitted that the Bail Application be rejected.

7. As far as the antecedents are concerned, Mr. Suryavanshi, learned Counsel for the Applicant submitted that one F.I.R. is of the year 2015 and as far as the other cases are concerned they *are inter alia* filed under Sections 420, 406 and 304-A of the *Indian Penal Code, 1860* by the present Informant and the relatives of the present Applicant.

8. Perusal of the record shows that the Injury Certificate issued by the Medical Officer of the Vasai-Virar Municipal Corporation shows that the injuries are simple in nature. There are a total of three Accused. The present Applicant is Accused No.1. Accused No.3-Shobha Singh i.e. the wife of present Applicant has been granted Interim Anticipatory Bail by the learned Trial Court and the Accused No.2-Satyam Singh i.e. the son of the present Applicant has been granted bail by the learned Trial Court. As the injuries are simple in nature, the Applicant can be enlarged on bail by imposing stringent conditions including that the Applicant will stay outside the Palghar district.

9. Mr. Suryawanshi, learned Counsel for the Applicant, after taking instructions, states that the Applicant will stay at C/o. Rutuja Omprakash Dube, Room No.10, Building No.2, Navjeevan Co-operative Housing Society, Behind Shivam Restaurant, Opp. Thane Railway Station, Thane (East), Pincode: 400 063.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

- (a) The Applicant-Pradeep Lallan Singh be released on bail in connection with C.R. No.129 of 2024 registered with the Tulinj Police Station, District-Palghar on his furnishing PR. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Palghar district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial and for attending the trial of other cases and also for reporting to the Investigating Officer in other cases when required as per the conditions imposed in the bail order in those cases.
- (c) 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.
- (d) The Applicant shall report to the Kopri Police Station, District-Thane once every week, on every Sunday between 11.00 a.m.

and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Kopri Police Station, District-Thane to communicate details thereof to the Investigating Officer.

- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]