



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1150 OF 2024**

Aditya Umashankar Saroj
versus
The State of Maharashtra

... Applicant
... Respondent

Mr. Vikas Kumar R. Srivastava, for Applicant.
Ms. Supriya Kak, APP for State.
PSI Dattatraya Kokate, Wakola Police Station present.

**CORAM: N.J.JAMADAR, J.
DATE : 18 MARCH 2024**

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in C.R.No.396 of 2023 registered with Vakola Police Station for the offences punishable under Sections 386, 395, 397 of the Indian Penal Code and Sections 3 read with 25 of the Arms Act, has preferred this application to enlarge him on bail.
3. On 7 July 2023 the first informant was called by Nilesh (A1) on the pretext that he had some work for the first informant. When the first informant reached near the corner of Solicitor Gym, the accused No.1 came thereat. The accused No.1 allegedly pointed a revolver at the waist of the first informant and made him to enter into Baba Homes Hotel, lest he would shoot the first informant. The first informant was taken to the ground floor of Baba Homes. The accused No.1. Nilesh made a telephone call and three to four persons entered the said room. They

initially assaulted the first informant. As the first informant assured them that he will keep quite, the accused No.1 robbed him of the cash amount of Rs.10,000/- and made him to operate Google Pay account and transfer the amounts of Rs.20,000/- and Rs.15,000/- from the Union Bank account and Rs.5,0000/- from ICICI Bank account. The first informant was threatened with dire consequences if the matter was reported to police.

4. Learned Counsel for the Applicant submitted that the first informant had known accused No.1 Nilesh. FIR was lodged against unknown persons. Though in the FIR the first informant alleged that there were four associates of Nilesh, yet in the statement under Section 164 of the Code, recorded before the learned Magistrate, the first informant had stated that three more persons came in the room after they were called by accused No.1 Nilesh. Thus, the offence punishable under Section 395 is not prima facie made out. It was further submitted that no amount was credited to the account of the applicant. As there is a doubt about the identity of the applicant as the person who robbed the first informant, the applicant deserves to be enlarged on bail.

5. In opposition to this, learned APP resisted the prayer for bail. Attention of the Court was invited to the panchnama of CCTV footages which indicates that apart from Accused No.1 Nilesh, four persons entered into Baba Homes. In the search of the applicant, two live cartridges were found. It was submitted that the applicant

was a confederate in the conspiracy to rob the first informant. The role of the applicant is different from that of the co-accused, who has been released on bail by the Court of Session.

6. I have carefully perused the report under Section 173 of the Code and the documents annexed with it. Evidently, the first informant had known the accused No.1 Nilesh. Allegedly, Nilesh had taken the first informant to the room in Baba Homes by putting him in fear of death by pointing out a revolver. The first informant had not known rest of the associates of the accused No.1.

7. Prima facie, there appears some element of uncertainty about the number of persons who joined the accused No.1 in robbing the first informant. In the statement recorded before the learned Magistrate, the first informant had stated that three associates of accused No.1 joined him. It does not appear that any amount was credited to the account of the applicant by making the first informant to transfer the amount by using Google Pay account. The role of robbing the first informant of Rs.10,000/- is also attributed to the co-accused Nilesh.

8. In the aforesaid view of the matter, and having regard to the fact that the applicant is 19 years of age and has been in custody since 8 July 2023, I am inclined to exercise the discretion in favour of the applicant.

9. Hence, the following order :

ORDERS

- (i) The Application stands allowed.
- (ii) The Applicant – Aditya Umashankar Saroj be released on bail in C.R.No.396 of 2023 registered with Vakola Padgha 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 Vakola Police Station on first Monday of every alternate month in between 11 am to 1 pm for a period of three years 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.)