



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2099 OF 2024**

Suresh Ramkumar Saroj	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Vaibhav R. Gaikwad, for Applicant.
Mrs. Gauri S. Rao, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 10 MAY 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 395, 397, 386 of the Indian Penal Code and Sections 3 read with Section 25 of the Arms Act, 1959, has preferred this application to enlarge him on bail.
3. The gravamen of indictment against the applicant and co-accused is that the accused No.1 Nilesh had known the first informant. On 7 July 2023, the accused No.1 called the first informant to render massage services. When the first informant came near Vakola Junction, Nilesh (A1) forced the first informant to accompany him to a room in Baba Homes Hotel on the point of gun. Nilesh (A1) called his unknown associates, including the applicant. The first informant was robbed of a sum of Rs.95,000/-. Out of the said amount, a sum of Rs.35,000/- was got credited to the

account of the applicant through UPI. The applicant and the co-accused released the first informant after giving threat that if the matter is reported to police, he will face dire consequences.

4. Learned Counsel for the Applicant submitted that the co-accused namely Vishal who was allegedly seen using the pistol, has been released on bail. Investigation is complete. Therefore, the applicant be enlarged on bail.

5. Learned APP resisted the prayer for bail. It was submitted that the applicant is the beneficiary of the robbery, and was identified by the first informant in the TI Parade. There is a prima facie strong case is made out against the applicant and, therefore, the applicant does not deserve to be enlarged on bail.

6. The role of inviting the applicant on the pretext of rendering massage services and then forcing the first informant to Baba Home Hotel is attributed to the accused No.1 Nilesh. The applicant is stated to be one of the person who came to the room of the said hotel upon being called by the accused No.1 Nilesh. The fact that a sum of Rs.35,000/- was credited to the account of the applicant purportedly by UPI by using the phone of the applicant, prima facie incriminates the applicant. The co-accused, who has been released on bail, was allegedly moving around the room armed with a pistol. Having regard to the nature of the allegations, there does not appear to be much qualitative difference between the role attributed to the applicant and the co-accused, who has been released on bail.

7. Investigation is complete. The applicant is in custody since 8 July 2023. He is a young boy of 22 years. The trial will take considerable time. I am, therefore, inclined to allow the application.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Suresh Ramkumar Saroj be released on bail in C.R.No.396 of 2023 registered with Vakola 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 Vakola Police Station Mumbai on first Monday of every month 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.)