

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2194 OF 2023

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Sunil Lachhmandas Sharma ...Petitioner
Versus
The State of Maharashtra ...Respondent

Mr. Manish Bhatia, for the Petitioner.
Mrs. Geeta Mulekar, APP for the State/Respondent.
Ms. Karishma Kachhila, for Respondent No.2.
API Bagul, Ulhasnagar Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 29th JANUARY, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for bail in CR No.227 of 2023 registered with Ulhasnagar Police Station, Thane, for the offences punishable under Sections 120B and 115 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
3. At the outset, the learned counsel for the applicant, submits that the first informant and the principal accused Lucky Makhija, who had allegedly given the contract to the applicant to kill the first informant, has been resolved and the first informant and accused No.2 have decided to file application for quashing of the prosecution. The learned

Counsel for the applicant invites the attention of the Court to an order passed by this Court in ABA/2341/2023 dated 12th December, 2023, wherein, after noting the fact that the parties have amicably resolved the dispute, this court had made the order of interim bail dated 29th August, 2023 absolute.

4. The learned Counsel for the first informant Sunil Singh seeks leave to tender an affidavit of the first informant.

Leave granted.

5. In the said affidavit, the first informant refers to the resolution of the dispute between the parties amicably and gives no objection to grant bail to the applicant.

6. Even otherwise, the investigation is complete and charge-sheet has been filed. The dispute between accused No.2, who had allegedly hired the applicant to kill the deceased, seems to have been resolved. There is no justification to further detain the applicant.

7. Hence, the following order.

ORDER

(i) Application stands allowed.

(ii) Applicant Sunil Lachhmandas Sharma be released on

bail in CR No.227 of 2023 registered with Ulhasnagar Police Station, Thane, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.

(iii) The applicant shall mark his presence at the Ulhasnagar Police Station on the first Monday of every alternate month in between 10.00 am. to 12.00 noon for the period of two years or till conclusion of the trial arisen out of CR No.227 of 2023, 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.]