



Diksha Rane

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

BAIL APPLICATION NO.3773/2023

VISHAL RAJESH SINGH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vaibhav R. Gaikwad a/w. Adv. Saisha Pisal, Adv. Atharva
R. B., Adv. Yash Naik for the applicant.

Smt. Sangeeta D. Shinde, APP for the State.

PI Dattatray Kokare, Vakola Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : MARCH 20, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 395, 397, 386 read with 34 of the
Indian Penal Code (hereafter 'IPC' for short) read with
Sections 3, 25 of the Arms Act registered on 7/7/2023 vide
C.R. No.396/2023 with Vakola Police Station.

3. There are in all seven accused. The applicant is the
accused no.3. The applicant was arrested on 8/7/2023. The
accused no.1 was knowing the complainant. On 7/7/2023,

the accused no.1 called the complainant to a hotel for giving him a massage. While near the hotel, the accused no.1 at the point of a gun asked the complainant to accompany him to one room in the hotel. The complainant had no option but to follow the accused no.1. The accused no.1 called up his acquaintances to the room. One of the acquaintances who is supposed to be the present applicant was roaming in the room with a country-made pistol in his hands. After extorting a sum of Rs.85,000/- from the complainant, the complainant was allowed to leave.

4. Learned APP while opposing the application for bail contended that this is a serious offence and in fact, CCTV footage clearly reveals that it is the applicant who was seen leaving the hotel premises. It is further submitted that there is recovery of country-made pistol and live cartridge from the applicant's person.

5. The applicant was arrested on 8/7/2023 and now is in custody for almost eight months. There is nothing on record to indicate that the applicant is a beneficiary of the amount. The applicant has not been identified by the complainant in the test identification parade. The investigation is complete.

The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. The applicant is from Uttar Pradesh and therefore, stringent conditions need to be imposed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vishal Rajesh Singh in connection with C.R. No.396/2023 registered with Vakola Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Vakola police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) 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.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall surrender his passport to the investigating officer.

(h) The applicant shall not leave Mumbai/Mumbai Suburban District. After a period of six months, it is open for the applicant to make an application to the trial Court for modification.

6. The application is disposed of.

(M. S. KARNIK, J.)