

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

BAIL APPLICATION NO. 954 OF 2024

**SAYALI
DEEPAK
UPASANI**

Amar Sudhakar Dhamdhere

...Applicant

Vs.

The State of Maharashtra

...Respondent

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by SAYALI
DEEPAK
UPASANI
Date: 2024.07.09
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Ms. Shubhangi Parulekar, Advocate for Applicant.

Ms. Pooja Bhosale, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 8th JULY, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 562 of 2023, registered with Talegaon Dabhade Police Station for the offences punishable under Sections 302, 363, 364, 342, 170, 323 and 504 read with Section 34 of the Indian Penal Code, 1860.
- 3) The applicant was referred in the FIR as an unknown person and the allegations are that the applicant assaulted the deceased by fist and blow.

4) As far as the applicant is concerned, there is no motive stated by any of the witness. Whereas, the motive is against the accused No. 1 and as far as accused Nos. 1 and 2 are concerned, they were named in the FIR.

5) There are no antecedents against the applicant and the charge-sheet has been filed in the present matter after completing the investigation. Despite the fact that the applicant was referred as unknown person in the FIR, no Test Identification Parade was conducted by police. Furthermore, nothing is pointed out that the applicant is one of those two unknown persons referred to in the FIR.

6) Thus, having considered the charge-sheet and the material collected by the Investigating Officer during the investigation, in the absence of sufficient prima facie evidence available against the applicant, I am of the opinion that since charge-sheet has been filed, further custody of the applicant is not necessary. Hence, I pass the following order.

ORDER

- i) The Criminal Bail Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No. 562 of 2023, registered with

Talegaon Dabhade Police Station for the offences punishable under Sections 302, 363, 364, 342, 170, 323 and 504 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/-(Rupees Twenty-Five Thousand) with solvent surety in the like amount;

- iii) The applicant shall attend the said Police Station on 1st and 16th day of each month between 10:00 am and 12:00 noon till the conclusion of the trial except on the date of trial;
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State to apply for cancellation of bail in case the applicant commits the similar offence.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is disposed of accordingly.

[ANIL S. KILOR, J.]