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

BAIL APPLICATION NO. 431 OF 2025

Neeraj @ Suraj Bajrang Singh

Applicant

.. (Orig. Accused No.5)

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Mohd. Taha a/w. Ms. Monika Chhipa, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 25, 2025.

P.C.:

1. Heard Mr. Taha, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – State.

2. The present Bail Application is filed by Neeraj @ Suraj Bajrang Singh i.e. accused No.5 out of 11 accused in connection with C.R. No.428 of 2022 registered with Bhiwandi Taluka Police Station under Sections 398, 393 read with 34 of the Indian Penal Code, 1860 alongwith Sections 3 and 25 of the Indian Arms Act, 1959.

3. Date of incident is 06.08.2022. First informant one Mr. Santosh Ramsundhar Pal filed a complaint of his truck having been intercepted on the Bhiwandi – Vasai highway by another truck bearing No. MH-06-K-5295 wherein four unknown persons, after inception picked up a quarrel with him and entered his driver's cabin and during

the violence and skirmish which took place, one of the four interceptors fired a bullet from a weapon which he was carrying, in the informant's knee. Because of the commotion, a passing rickshaw and vehicles stopped in front of the two trucks and bypassers also gathered on the highway, due to which the interceptors fled the scene of crime. The first informant was moved to a local hospital and on the following day, he registered the complaint i.e. C.R. No.428 of 2022. Perusal of the facts stated in the complaint reveal that according to the first informant there were 4 persons who were present in the truck which had intercepted his truck who were identified by him by the clothes they were wearing and the person who fired at him was identified by his physical appearance also. But when investigation was carried out and final charge sheet was filed on 19.10.2022, 11 accused were indicted and apprehended. The accused present before me is accused No.5 –Neeraj @ Suraj Bajrang Singh.

4. At the outset, Mr. Taha has drawn my attention to the charge sheet dated 19.10.2022 and would submit that as stated therein the Investigating Officer has indicted the role of 2 persons namely, accused No.6 and accused No.9 being instrumental in stealing the truck from the limits of Mahad Police Station and using the same in the alleged incident. He would draw my attention to the fact that the only indictment in so far as accused No.5 is concerned, it is only to the extent of sitting in the stolen truck alongwith other co-accused persons

with the sole intention of robbing the material i.e. 8.5 ton copper wire scrap from the first informant's truck. The robbery bid was however foiled.

5. What is intriguing is to note that the first informant has stated in his complaint that there were 4 persons only and the crime was lodged against 4 unknown persons and therefore there is a clear dichotomy, when the charge-sheet states that there were 11 persons sitting in the truck which had intercepted the first informant's truck. The role of accused No.5 is not spelt out at all, neither the learned Prosecutor is able to show any role attributable to the accused No.5.

6. I have perused the statement of first informant which is at page No.58 of the Application. It specifically describes the 4 unknown persons on the basis of the clothes that they were wearing. It further states that the 4 persons forcibly attempted to rob the copper wire scrap which the first informant was carrying in his truck after intercepting him. No Test Identification Parade (TIP) has been carried out for identifying the said accused persons.

7. Mr. Taha, learned Advocate has placed on record 2 orders both dated 15.04.2024 passed by this Court in Bail Applications filed by co-accused Nos.8 and 9 whereby they have been enlarged on bail. Next he has drawn my attention to bail orders of accused Nos.2, 3, 4, 7 and 11 passed by the Trial Court enlarging them on bail and would

submit that Applicant's role is at par with the accused who have been enlarged on bail. Hence he would urge the Court to consider the bail application on the principle of parity.

8. Applicant is arrested on 26.08.2022 i.e. since 2 years and 7 months and though charge-sheet is filed, trial would not be commenced and completed in the near foreseeable future as the prosecution has given a list of 47 probable witnesses in the charge-sheet to be examined in the trial. That is another factor which impels me to consider the present Application.

9. Considering the specific role attributed to the present Applicant and the principle of parity, I am inclined to enlarge the present Applicant on bail. Hence the following order:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs. 30,000/- each for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs. 30,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide the sureties as directed;

- (iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (viii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

10. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

11. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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