

Ajay

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

INTERIM APPLICATION NO. 93 OF 2025

IN

BAIL APPLICATION NO. 4492 OF 2024

Kushal Shripal Singh

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

.....

- Mr. Mithilesh Mishra, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for Respondent No.1 – State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 08, 2025.

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent No.1 – State.

2. This Interim Application has been moved urgently today morning seeking intervention and indulgence of the Court. Applicant is incarcerated for the past 4 years in offence registered under C.R. No.234 of 2021 with Marine Drive Police Station for offences under Section 409 and 120-B of the Indian Penal Code, 1860 (for short “**IPC**”). It is taken up for hearing at 02:30 p.m. on Production Board.

3. Applicant was an employee of the United India Insurance Company Limited. Interim Application is filed on the ground that Applicant’s uncle i.e. his father’s elder brother Mr. Samaypal Singh passed away on 05.01.2025 and he did not have any issues. Applicant

desires to conduct the last rites and the other ancillary religious rites associated thereto of his father's elder brother who considered the Applicant as his only son. He has therefore persuaded the Court to grant him interim bail from 10.01.2025 to 23.01.2025.

4. Averments made in paragraph Nos.8 to 12 are to the effect that this Court be pleased to impose appropriate conditions as deemed fit. A request is made by Mr. Mishra that escort may not be directed as it entails enormous costs which the Applicant will not be in a position to arrange at short notice.

5. *PER CONTRA*, Ms. Ganapathy, learned APP would submit that if this Court considers the Application of the Applicant then the fact that Applicant would return back needs to be secured by passing appropriate order. She would in the first instance submit that grant of adequate security and escort alongwith the Applicant would be appropriate in order to ensure that the Applicant would return back.

6. That apart, she would submit that appropriate directions be passed for furnishing substantial cash security which would act as an indemnity for the Applicant so that he will return back including details to be given by the Applicant about his whereabouts to the concerned local police station on day to day basis or alternate day basis so as to ensure that Applicant's release is adequately secured. That apart, she would submit that appropriate directions be passed as

deemed fit by the Court against the Applicant. I have perused the Application with the able assistance of Mr. Mishra.

7. Mr. Mishra has also placed before me a decision of this Court in the case of *Harsimransingh Ajitsing Sethi Vs. The State of Maharashtra* passed in Interim Application No.5367 of 2024 decided on 03.01.2025 in a somewhat similar case. In that case, it is seen that the anti-terrorist squad, Kalachowki Unit filed the FIR against the Applicant and this Court permitted the Applicant to attend the final rites of his mother who had passed away more than 14 days before passing of the order.

8. In the present case, uncle of the Applicant expired on 05.01.2025 and the Application has been filed yesterday and moved before me today morning itself for urgent production and circulation. In that view of the matter, Application of the Applicant is considered.

9. It is also seen that the body of the deceased uncle of the Applicant is kept in a mortuary which is confirmed by the receipt which is appended at page No.13 of the Interim Application. This is certified by the Doctor of Super Specialty Hospital at Noida, New Delhi as informed by Mr. Mishra.

10. In that view of the above circumstances, as observed, Interim Application is allowed in the following terms:-

- (i) Applicant Kushal Shripal Singh shall be released on interim bail in CR No.234 of 2021 (Online FIR No.252 of 2021) registered with Economic Offences Wing, Mumbai upon furnishing a cash surety of Rs.2,00,000/- from 10th January 2025 to 23rd January 2025;
- (ii) Applicant shall surrender his passport before the Investigating Officer;
- (iii) Applicant shall provide the Investigating Officer with his proposed residential address and mobile number in Mumbai and Uttar Pradesh and all details of his travel while proceeding to his native place for the above reason;
- (iv) Applicant shall surrender to the jail authorities on or before 24th January 2025 and during his release shall report to the concerned local police station in Noida, Uttar Pradesh where he will be residing during his release on every alternate date, details of the local police station shall be given by the Advocate for Applicant to the Investigating Officer in the present case within 2 days; and
- (v) Applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

11. Interim Application No.93 of 2025 is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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by AJAY
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