

MHTH290022292024



Order below Ex.1 in Regular Criminal Bail Application
No.1058/2024
(Shivam Rajesh Singh Vs. State of Maharashtra)

1] This is an application filed by applicant **Shivam Rajesh Singh** for seeking his release on bail in C.R.No.1667/2024, registered at Shantinagar Police Station, Bhiwandi, for the offence punishable under sections 103, 333, 118(2) of BNS, Section 37(1) 135 of Maharashtra Police Act.

2] Brief facts, which give rise to file the present application, are as under :

Complainant is residing at given address alongwith his family. He is driving a rickshaw on rental basis. His daughter viz. Nitu working in TCT Transport Company, Bhiwandi, since last two years. Her wife is also working woman. Complainant's younger daughter Ritu is taking education in 10th standard in school situated at Bhadwad, Bhiwandi.

3] It is further alleged that complainant's elder daughter Nitu is having love affair with Raju Mahendra Singh since four years, who residing near to chawl of complainant. The complainant instructed Raju Singh not to meet his daughter. Then

Raju Singh went to his native place at UP.

4] It is alleged that on 28.10.2024 at 11.15 a.m complainant received phone call of his younger daughter Ritu who told to him that when she came from school and locked door from inside to change his cloths, somebody knocked the door. Hence, Ritu opened the door of their house and noticed that Raju Singh was standing in the door and having a knife in his hand. Then Raju Singh entered forcibly into their house and started assaulting on complainant's elder daughter Nitu by means of a knife. Due to said assault of Raju Singh, Nitu sustained grievous injuries to her cheeks, neck, back portion, hand etc. When Ritu went to rescue her sister from said assault of Raju Singh at that time Raju assaulted her by means of knife and she also sustained injuries. Then Anuj Singh came there and hence Raju Singh ran away from the spot. Then Ritu and other neighbours took Nitu (injured) to IGM Hospital for medical treatment.

5] It is further alleged that after receipt of above information complainant went to IGM Hospital. Nitu was transferred to Hill Life Hospital Bhiwandi for further treatment. Complainant noticed various injuries on her person. Nitu succumbed due to her injuries at 2 p.m and concerned doctor declared her as dead. Hence, complainant lodged report against Raju Singh for committing of murder of her daughter.

6] On the basis of said complaint this offence is registered.

7] During investigation it is transpired that Raju Mahendra Singh and other co-accused in furtherance of their common intention committed murder of complainants daughter. Police arrested other co-accused also. After granting sufficient police custody accused persons remanded to jail.

8] Now, by filing this application, applicant Shivam Rajesh Singh is praying for granting bail for him. According to applicant he is no concerned with offence in question and he has been falsely implicated. According to him he was not present on the spot at the time of alleged murder and he is arrested only on suspicion. According to applicant at the relevant time he was working in floor mill and not present with main accused. He prays to allow the prayer.

9] Prosecution resisted the prayer by filing reply. According to prosecution during investigation it is transpired that the present applicant helped to Raju Singh in committing murder of the deceased. According to prosecution CDR and phone calls of applicant shows that he was continuous in touch with main accused at the time of incident and this applicant provided detailed information of the deceased to main accused. According to prosecution investigation is in progress.

10] Advocate appearing for applicant submitted that in FIR name of this applicant is not stated as assailant. He further submitted that no any eye witness stated that this applicant was present on the spot at the time of alleged murder.

11] Ld.Advocate of the applicant further submitted that no any notice was given to applicant and ground of arrest not communicated to him by the IO before effecting his arrest and hence his arrest is illegal. He prays to allow the prayer.

12] Ld.APP submitted that there is sufficient material collected to show that this applicant given information of the deceased to main accused for committing the murder of deceased.

13] It is a fact that in FIR name of this applicant is not mentioned as an assailant. Though this applicant not made any assault on the deceased, mere this fact is not sufficient to show that he is not concerned with offence in question. As per say of IO and investigation papers it revealed that this applicant was continuously in contact on phone with main accused Raju Singh. His call details are obtained by the IO. At present investigation is not completed. Whether this applicant gave an information of deceased to main accused or not? This aspect require to be considered after completion of investigation or at the time of trial. Offence alleged is serious and punishment

prescribed for the same is life or death penalty.

14] Considering nature of offence, above circumstances and for aforesaid reasons, I am of the view that this is not fit case to grant bail to this applicant. Hence, the order:-

Order

1] Application stands rejected.

Bhiwandi.
17.12.2024

(N.L. Kale)
Additional Sessions Judge,
Bhiwandi.