



ITEM NO.14

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3807-3808/2023

(Arising out of impugned final judgment and order dated 24-02-2023 in BA No. 2867/2022 24-02-2023 in IA No. 198/2023 passed by the High Court Of Judicature At Bombay)

EMANUEL SAMUEL AMOLIK

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No.58275/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.58273/2023-EXEMPTION FROM FILING O.T., IA No. 58275/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 58273/2023 - EXEMPTION FROM FILING O.T.)

Date : 27-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s)

Mr. Devadatt Kamat, Sr. Adv.
Mr. Nishanth Patil, Adv.
Mr. Vinod G Gupta, Adv.
Mr. Ayush P Shah, Adv.
Mr. Harsh Pandey, Adv.
Mr. Reventa Solanki, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Vignesh Adithiya S, Adv.
Mr. Nishanth Patil, AOR

For Respondent(s)

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

Mr. Vinay Navare, Sr. Adv.
Ms. Deepplaxmi Subhash Matwankar, AOR

Mr. Himanshu Kode, Adv.
Mr. Ameya Lambhate, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. These are the petitions seeking bail.
2. Mr. Devadatt Kamat, learned senior counsel appearing for the petitioner submits that most of the accused have already been granted bail by this Court or by the High Court. He, therefore, submits that the present applicant/petitioner is also entitled to be released on bail on parity.
3. Mr. Vinay Navare, learned senior counsel appearing for the complainant and Mr. Aaditya Aniruddha Pande, learned counsel appearing for the respondent/State have vehemently opposed the petitions.
4. Learned senior counsel appearing for the complainant submits that the role of the present petitioner is different than those who have been granted bail. He also submits that the present petitioner is a police officer and had arranged for an encounter so as to do away with the complainant's father.
5. Taking into consideration the fact that all the witnesses have been examined except the Investigating Officer and the Medical Officer and also that the petitioner has been incarcerated for a period of about 10 years, we are inclined to grant bail to the petitioner.

6. The petitioner is directed to be released on bail in connection with FIR No. 67 of 2013 registered at Police Station Washi, District: Navi Mumbai, on such terms and conditions as found by the learned Trial Judge.

7. However, in addition to the conditions to be imposed by the learned Trial Judge, we impose the following conditions:

- 1) The petitioner shall report to the D.C.P. (Crime CID) Unit No. 1), Crawford Market, Mumbai once every week;
- 2) The petitioner shall not enter the area of Thane District as well as the New Bombay Municipal Corporation, except when he is required to attend the trial;
- 3) The petitioner shall not make any attempt to meet or influence the witnesses or tamper with the evidence; and
- 4) The Petitioner shall disclose his mobile number and the address where he will reside to the learned Trial Judge as well as to the DCP, Crime CID (Unit No.1), Crawford Market, Mumbai.

8. The special leave petitions are, accordingly, disposed of.

9. Pending application(s), if any, shall stand disposed of.

(DEEPAK SINGH)

(R.S. NARAYANAN)

COURT MASTER (SH)

ASSISTANT REGISTRAR