

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

CRIMINAL APPLICATION NO.1025 OF 2018

Roshan Baldev Panje	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Kabul Singh Labana for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent/State.

**CORAM : VL.ACHLIYA, J.
(VACATION COURT)**

DATED : MAY 17, 2018.

P.C. :

1. The applicant has moved this application seeking release on bail in connection with the offences registered under Section 326, 324, 323, 504, 143, 147, 149 of Indian Penal Code vide C.R.No.I-345/2017 with Khadakpada Police Station, Kalyan, Dist. Thane.
2. Heard the learned Counsel for the applicant and the learned APP for the State. Perused the order passed by the Addl. Sessions Judge, Kalyan.
3. The learned Counsel for the applicant submits that applicant is young boy of 21 years of age and prosecuting study. The

incident occurred all of sudden on account of parking of auto-rickshaw. The applicant was arrested on 09.01.2018. Charge-sheet is already filed in the case. By referring in over all case of the prosecution and accusation against the applicant, the learned Counsel submits that no offence under Section 326 as well as 324 of Indian Penal Code attracted against the applicant. It is pointed that the act attributed to applicant confined to assault made by fist and kick blows. It is further contended that as per the case of prosecution, the injured was assaulted by iron rod by co-accused i.e. the father of the applicant. In this background, the learned Counsel submits the applicant be enlarge on bail.

4. Learned APP opposed the application on the contention that there is a prima-facie case to connect the applicant that the offence registered against him. If the applicant is released on bail, there is every likelihood he may abscond and pressurize the prosecution witnesses.

5. On due consideration of submissions advanced in the light of overall case of prosecution and the accusation attributed to the applicant as well as nature of offence, the age and antecedents of the applicant and fact that the investigation is completed, I am of

the view that the applicant deserves to be released on bail. First information report as well as statement of injured spell out that the incident was occurred all of sudden on account of parking of auto-rickshaw. The applicant is alleged to have assaulted injured by means of fist and kick blows. There are no criminal antecedents attributed to applicant. It will take long time to proceed with the trial. Looking to the age of applicant, it is not desirable to keep him in association with hard and criminal. I am, therefore, inclined to allow the application and pass the following order.

:- ORDER :-

(i) The applicant, namely, Roshan Baldev Panje arrested in C.R.No.I-345/2017 registered with Khadakpada Police Station, Dist. Thane and presently lodge in jail be released on furnishing bail in the sum of Rs.25,000/- with one or two sureties in the like amount on the following conditions:-

- (i) The applicant shall not indulge into any act amounting to tampering of the prosecution witnesses or evidence.
- (ii) The applicant shall not indulge into an offence of similar in nature.

- (iii) The applicant shall attend the Khadakpada Police Station once in a month i.e. on last day of each month in between 10.00 a.m. to 11.00 a.m. to record his presence till conclusion of trial.
- (iv) The applicant shall furnish the names, addresses and phone numbers of his three close relatives/friends within one week from the date of his release on bail to the Officer-in-charge of Khadakpada Police Station, Dist.Thane.
- (v) Bail to be furnished in Trial Court.
- (vi) All concerned to act upon authenticated copy of this order.

(V.L.ACHLIYA, J.)