

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

CRIMINAL BAIL APPLICATION NO. 2630 OF 2021

Prashant Raju Mahajan
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. S. R. Ghanvat for the Applicant

Mr. H. J. Dedhia, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 11th OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant, aged 18 years, seeks his enlargement on bail in connection with C.R. No. 206/2020 registered with the MIDC Police Station, Sangli, for the alleged offences punishable under Sections 307 and 504 r/w 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant/injured-Ganesh Jadhav, the incident took place on 30th November 2020 at about 10:00 p.m. He has stated that after having dinner, he was sitting outside his

house with his mobile and his family members were inside the house, having dinner. He has stated that Sagar Yadav (original accused No.1) and his friend Prashant Mahajan (applicant) were taking a walk outside his house; that Sagar Yadav asked him why he was sitting outside and abused him; that he asked Sagar why he was abusing him, pursuant to which, Sagar assaulted him with kick blows and the applicant is alleged to have pulled out a knife and assaulted him with a knife in his abdomen.

4 Learned counsel for the applicant submits that the applicant is aged 18 years and keeping him in custody would expose him to hardened criminal. He submits that the applicant had no motive whatsoever to assault or kill the complainant/injured. Learned counsel for the applicant has tendered affidavits of the applicant's parents. The same are taken on record. In the said affidavits, the applicant's parents have stated that they will endeavour to ensure that the applicant continues with his education; that they would take care of him; that they will ensure that the applicant will not threaten any witness and will ensure that the applicant does not commit any offence in future.

5 The applicant is in custody since 1st December 2020. Investigation is complete and charge-sheet is filed. Considering the

aforesaid, in the peculiar facts, further detention of the applicant is not warranted.

6 Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iii) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.