

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

BAIL APPLICATION NO. 996 OF 2021

Suraj Dharma Jadhav ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Vinod Kashid, Advocate for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.
DATE : 15th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. 355 of 2020 registered with Kherwadi Police Station, Mumbai for offences under Sections 302, 307, 326, 324, 323, 504, 506(2), 143, 147, 148, 149 of Indian Penal Code. The First Information Report (for short “FIR”) was lodged on 16th November, 2020 by injured Mohan Tuljiram Waghmare.

2. The case of the prosecution is that there was previous quarrel between the cousin of complainant and Swapnil Jadhav on 15th November, 2020. There was quarrel between them which was resolved. On 16th November, 2020, on account of the previous quarrel, Sonali Mohite-sister in law of Swapnil Jadhav, came in front of the house of complainant and started abusing their family. Sister

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of the complainant intervened. There was exchange of words between them. Sonali Mohite gave this information to brother Rohit Jadhav and husband Rupal Mohite. Thereafter, Rohit Jadhav, Rupal Mohite and their friends Suraj Jadhav (applicant), Abhijeet Chandane, Aniket Chandane, Swapnil Jadhav, Sujal Jadhav came in front of the house of complainant. Rohit Jadhav was holding knife. He assaulted complainant with knife on his hand, head and abdomen. At that time complainant's father intervened to save him. Rohit Jadhav assaulted complainant's father with knife on his abdomen. Rupal, Aniket, Abhijeet and Suraj pulled the complainant down on the floor. Suraj Jadhav (applicant) and Aniket caught hold of his hands and Rupal Mohite gave blow by tiles on his head. The assailants ran away from the place of incident. Statement of witnesses were recorded during the course of investigation. The applicant was arrested and on completing investigation charge-sheet is filed.

3. On perusal of the FIR and other documents it is apparent that the role attributed to the applicant is that he was present at the scene of offence. The co-accused Rohit Jadhav assaulted complainant. He also assaulted father of complainant. The applicant had allegedly caught hold hands of the complainant, while he was being assaulted by Rupal with tiles. The applicant had not

participated in the assault on the father of complainant. The facts of the complaint would indicate that father intervened subsequently. Injured/complainant had sustained the injuries on the left arm, right arm and right temporal region. It was contented that he was discharged from the hospital after two days. There are no criminal antecedents against the applicant.

4. Learned APP however submitted that the applicant had participated in the crime. He had abetted co-accused in assaulting the complainant. There was common object in assaulting the deceased and the injured. However as stated above, the deceased had tried to intervene to save his son from being assaulted. The applicant is not involved in assaulting him. The role can be attributed to the applicant is at the most he was caught hold the complainant with tie. In these circumstances, further custody of the applicant is not necessary. Bail can be granted to the applicant.

ORDER

- (i) Criminal Bail Application No. 996 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 355 of 2020 registered with Kherwadi Police Station, Mumbai on executing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till further order;
- (iv) The applicant shall not tamper with the evidence and shall not approach the complainant or any other witnesses.
- (v) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of twelve weeks in lieu of surety.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)