

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1081 OF 2021**

Raiba Abhimanyu Hajare .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Tushar Sonawane for the Applicant.

Mr. Swapnil S. Pednekar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 14TH SEPTEMBER, 2021.

P.C:-

1. By the present Application, the Applicant seeks his release on bail being charge-sheeted in C.R. No.I-306 of 2018 registered with Manpada Police Station, Thane for offences punishable under Sections 307, 352, 341, 506 read with Section 34 of the IPC and Section 37(1) read with Section 135 of the Maharashtra Police Act.

AJN

2. In the said C.R., four persons are charge-sheeted and Accused No.1 Sujit has been assigned the role of the assailant, who caused the injury to the Complainant. The present Applicant is arrested on 1/11/2018.

3. Learned counsel for the Applicant claims parity with two co-accused Tejas Pandit Datilkar (Accused No.3) and Kautik Kailash Hajare (Accused No.2), who have been released on regular bail by this court vide order dated 24/03/2021 (Bail Application No.1611 of 2020) and order dated 23/06/2021 (Bail Application No.622 of 2020) respectively.

4. With the assistance of learned counsel for the Applicant, I have perused the charge-sheet. The charge-sheet specifically discern the role of the accused persons and it is alleged that Accused Kautik, Tejas and Raiba, who were armed with wooden rods, rushed towards Jayesh and caught hold of him and, at that time, Accused No.1 Sujit took out a pointed knife from his pocket and threatened him with dire consequences. The charge-sheet further accused him of assaulting Jayesh on the left side of his neck by means of the said knife and when he attempted to rescue himself from the attack, a blow is alleged to have landed on left side of his temple. The injury certificate included in the charge-sheet corresponds with the said version, since it records grievous injuries; one on the forehead and the other, a stab wound, on the neck. In the wake of the accusations faced by the

Applicant in the charge-sheet and he is not the real assailant, who has caused injuries to Jayesh, the Applicant is also entitled to a similar treatment as that of the co-accused. Hence the following order:

: ORDER :

- (a) The Applicant – **Raiba Abhimanyu Hajare** shall be released on bail in C.R. No.I-306 of 2018 registered with Manpada Police Station, District Thane on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall report to the Manpada Police Station, Thane, on the first Monday of every month between 10.00 a.m. to 2.00 p.m. till filing of the charge and thereafter as per the directions of the Trial Court.

5. The Application is allowed in the aforesaid terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]