

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2405 OF 2021

Yuvraj Sudhakar Parakhe	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr. Nitin Sejpal with Akshata Desai for the applicant.
Mrs.Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 10th AUGUST, 2021

P.C:-

1 The applicant is charge-sheeted in FIR No.I-271 of 2020 registered with Nandgaon police station, thereby invoking Section 307, 324, 323, 143, 144, 147, 148, 149, 452 of the IPC. In connection with the said C.R, he came to be arrested on 1st June 2020 and since then, he remain incarcerated.

2 Learned counsel claim parity with the co-accused Lakhan Parakhe who has been released on bail by this Court on 1st March 2021 (Cr. Bail Application No. 425 of 2021) and submission is that considering the material in the charge-sheet, and after referring to the three injuries sustained by Bhushan out

of which two injuries are grievous, the injuries were recorded to be caused by a sharp object and the head injury was not attributed to the present applicant, he was released on bail.

2 When the statement of complainant who reported the happenings of the incident which took place on 26th May 2020 is perused, it can be seen that the six named accused persons which included the applicant as well as Lakhan along with 2 – 3 unknown persons barged into her house. Distinct role is attributed to every accused and Shailesh, Vaibhav and Ramnarayan are alleged to have assaulted Bhushan on his head by means of scythe in their hand, resultantly, he started bleeding. Distinct role is attributed to the applicant and Lakhan along with Nilesh and 2 – 3 unknown persons and it is alleged that Yuvraj and Nilesh armed with iron rod and Lakhan with wooden stick assaulted Bhushan on his head, back, hand, legs. The motive for said assault is also given in the FIR.

3 In the backdrop of the said accusations in the injury certificate of Bhushan is perused. It record CLW over scalp which is described in the injury certificate as a grievous injury. CLW is recorded on left leg which is a simple injury. There are two fractures recorded as fracture at left first meta-carpel and fracture at proximal pharynx. Both injuries are described as grievous injuries. The role attributed to the present applicant is of

assaulting with iron rod on the head, back, hands and legs. The commensurating injuries, however, are not to be seen in the Medico legal certificate, as it mention about presence of 1 CLW over leg. Other CLW is over the scalp and is alleged to have been caused by sharp object.

4 Ultimately, when the provisions of Section 149 are invoked and if the offence is proved to have been committed by the accused persons with a common object, each accused would be equally responsible for commission of the offence. However, this is to be determined at the time of trial when presence of the applicant on the spot has been clearly established in the charge-sheet. The applicant is incarcerated since 1st June 2020, investigation is complete and charge-sheet is filed. I see no reason why the benefit of the order in case of the co-accused Lakhan cannot be extended to him. The applicant is entitled to be released on bail subject to the following conditions :-

O R D E R

- (a) The Applicant – Yuvraj Sudhakar Parakhe in connection with FIR No.I-271/2020 registered with Nandgaon Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with 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 so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The applicant will not enter the jurisdiction of Nandgaon Taluka till the charge is framed.
- (d) The applicant shall convey his residential address during the aforesaid period along with contact number and intimate the Investigating Officer of the change, if any.
- (e) The Applicant shall mark his attendance in the Sessions Court at Malegaon in every two months. He shall also continue to mark his attendance at Malegaon Police Station on every first Monday of the month between 10 am to 2 pm till framing of charge.

Application is disposed of in the aforestated terms.

SMT. BHARATI DANGRE, J