

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

RAJESH
VASANT
CHITTEWAN

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VASANT CHITTEWAN
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CRIMINAL BAIL APPLICATION NO.2504 OF 2019

Mr. Harshad Alias Mangesh
Vikram Kamble ... Applicant
Versus
The State of Maharashtra
Through Senior Inspector of Police
Badlapur West Police Station ... Respondent

.....

Mr. Aniket Vagal for the Applicant.

Mr. P.H. Gaikwad, APP for the State.

.....

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25 AUGUST 2021

P. C. :

. This is an application under Section 439 of the Code of Criminal Procedure 1973 by the aforesaid Applicant, who is facing trial in Sessions Case No.32 of 2019, pending on the file of the Additional Sessions Judge, Kalyan for offences under Sections 307, 341, 143, 144, 149, 341 of IPC and Sections 3 and 25 of Indian Arms Act, and 37(1) 35 of M.P. Act.

2. Heard learned Mr. Aniket Vagal for the Applicant and Mr. P.H. Gaikwad, learned APP for the State. Perused records and considered submissions advanced by learned Counsel for the Applicant and

learned APP for the State. The first information report lodged by Sanjay Vasant Bhagat records that on 26 September 2018 at about 09.30 a.m., while he was proceeding from Badlapur Station, one Altaf Shaikh and nine other persons named in FIR and 3 to 4 unknown persons assaulted him. In his supplementary statement recorded on 28 September 2016, the first informant claimed that he was assaulted only by Altaf Shaikh, Nasir Shaikh and their two friends. He had alleged that Altaf had given a blow of danda on his head, whereas the Applicant assaulted him with a tube light. In the statement recorded under Section 164 of Code of Criminal Procedure, the first informant has given yet another story. He has stated that Altaf had assaulted him with a chopper whereas the Applicant gave a blow of tube light on his head and also assaulted him with a wooden danda. *Prima facie* there is variance in the role attributed to the Applicant. The medical evidence also reveals that the injuries sustained by the Applicant are simple in nature. The nature of the accusations against the Applicant would not justify further detention.

3 The Applicant is a young boy of 19 years. He is in custody since 26 September 2018. It is stated that the charge is not yet framed and considering the present situation arising from Covid-19 pandemic, the trial may not be concluded in a reasonable time.

4 Having regard to the aforesaid facts and circumstances, the application is allowed on the following terms :-

- (i) The Applicant is ordered to be enlarged on bail in C.R. No.I-40 of 2018 registered with the Badlapur West, Police Station on furnishing Bail Bond of Rs.20,000/- (Rs. Twenty Thousand Only) with one or two solvent sureties in the like amounts ;
- (ii) The Applicant shall keep the Sessions Court informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time ;
- (iii) The Applicant shall not interfere with the victim and witnesses and shall not tamper with evidence in any manner.

5 Application is disposed of in the above terms.

(SMT. ANUJA PRABHUDESSAI, J.)