

VAISHALI
ANIL
TIKAM

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

BAIL APPLICATION NO. 1200 OF 2021

Digitally signed
by VAISHALI
ANIL TIKAM

Date:
2022.11.17
20:06:00
+0530

Ranjeet Jayprakash Tak ... Applicant

Vs

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION (ST) No. 19224 OF 2022
IN
BAIL APPLICATION No. 1200 OF 2021**

Meena Vinod Narwala ...Applicant

In the matter between

Ranjeet Jayprakash Tak ... Applicant

Vs

The State of Maharashtra ... Respondent

...

Mr. Satyam Nimbalkar a/w. Abhishek Arote a/w. Aashish
Kachole, for Applicant

Mr. A.A. Palkar, APP for the State

Mr. Rahul Panchudkar, for Intervenor in IAST No. 19224/2022

CORAM : SANDEEP K. SHINDE J.
DATE : 17th NOVEMBER, 2022.

PC. :

1. Heard learned counsel for the Applicant, learned APP for

the State and learned counsel for Respondent No.2 (Complainant).

2. Prosecution case is that the Applicant was a member of unlawful assembly and the assembly in prosecution of common object, intercepted the motorcycle driven by the deceased and assaulted him with deadly weapons and thereby caused fatal injuries to which he succumbed.

3. In all 15 persons have been arrayed as accused. Eight of them, have been granted pre-arrest bail by the coordinate Bench. The orders granting pre-arrest protection to co-accused are placed on record.

4. I have perused the charge-sheet, as well as the orders, granting pre-arrest to the co-accused.

5. The complaint and supplementary statement of wife of the deceased, statements of the witnesses and statements of mother-in-law of the deceased and neighbour, recorded under section 164 of Cr.P.C., on the face of it, do not attribute, specific role to the applicant but suggest his presence of scene of offence. All that witnesses stated, that, he was armed with the sword. However, co-

accused Ravi Tak, Aakash, Sujit and Sanjit have been attributed specific role as to how they caused serious injuries to the deceased. Thus, attribution to the applicant are general, similar to co-accused, who have been granted pre-arrest protection. Above all, the statements of two witnesses i.e. mother-in-law of the deceased and neighbour, dilutes accusations made by them, in earlier statements recorded soon after the incident.

6. Application is opposed by learned APP and counsel appearing for the complainant. Learned counsel would rely on the complaint dated 12th March, 2018 filed by her, a month before the incident, wherein she had expressed apprehension of danger to the life of her husband, at the hands of the applicant and the co-accused. Yet, said complaint is not a part of the charge-sheet. Be, that as it may, Learned counsel would invite my attention to a postmortem report, which shows that deceased had suffered 16 surface injuries to contend that deceased was brutally murdered. Learned counsel would further submit that, since the trial has commenced, and if applicant is released, possibility of he influencing prosecution witnesses

cannot be ruled out. He would also invite my attention to the antecedents i.e. Crime No. 364/2017 registered against the Applicant in July, 2017 under Section 395 of IPC. Learned counsel, therefore, submits that applicant may not be granted bail, but this Court may direct the trial court to expedite the trial.

7. In consideration of the facts of the case, it may be stated the, only role attributed to the Applicant was that he deterred the witnesses from intervening the assault. Role attributed to this applicant is identical to role, attributed to the co-accused, who have been granted pre-arrest bail. Besides, the Applicant has been incarcerated since May, 2018 and trial is not likely to conclude in near future. In view these facts, a case, is made out for granting bail to the Applicant. However, in view of the apprehension of the complainant, that applicant may influence the prosecution witnesses, it would be appropriate to direct the applicant to stay outside the jurisdiction of the concerned police station. Thus, the following order:

ORDER

- (I) The applicant in Crime No. 308 of 2018 registered with Daund Police Station, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.
- (ii) The applicant shall stay outside the jurisdiction of Daund Police Station till the conclusion of the trial. However, he shall furnish his residential address and contact details to the Investigating Officer within a week from the date of his release on bail from the jail.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (iv) The application and interim application therein, are accordingly allowed and disposed of.

It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

