

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1870 OF 2022**

Jayesh Rajesh Ankush .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Ritesh Thobade with Kamran S.Shaikh and J.S. Shukla for the applicant.

Mr. S.V.Shukla APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 19th SEPTEMBER 2022**

P.C:-

1 The case of the prosecution, as can be seen from the version of the complainant Giribabu Somaiyajulla is, on 14/10/2021, he along with his son and daughter, were travelling in an SUV vehicle belonging to his wife's father. While they reached Wani High School, two persons riding a black colour two wheeler, gave a dash to his vehicle and they went ahead of him. They also dashed a white colour Wagon-R and when the person driving Wagon-R stopped, the complainant also stopped his car, but the persons on the two wheeler fled away. The complainant noticed that there was no number plate on the two wheeler. Thereafter, when they reached a signal, they could see the two

persons on their motorcycle who had dashed his vehicle. They asked him to stop his car and when he did so, he noticed two persons walking towards his car and both had covered their faces with cloth.

On questioning him about the act, the other person alleged to have threatened by uttering the following words :

“You are very fond of being in helm of the affairs of the school, you should ask your wife to withdraw the case against Lakshmi, otherwise she would be taught a lesson”

It is alleged that when he was at the signal, at that time, three unknown persons stopped their Scooty vehicle in front of his car and he could notice that one person who was riding on the vehicle, was armed with a gun and it is alleged that all the persons with an intention to kill him, mounted an assault on him.

When he wanted to open the door of the car, it is alleged that he was surrounded and the accused persons were causing destruction to his car by banging by hands and some iron thing. He drove the car and reached the police station.

2 Admittedly, none of the persons sustained injury and even the charge-sheet do not reflect any damage to the car, except some minor dents.

The narration resulted in invocation of Sections 307, 143, 147, 149, 342, 427, 506 IPC. The applicant is arraigned as

an accused and it is informed that six co-accused are already released on bail, whereas the Accused no.10 Lakshmi is admitted to interim protection from arrest by this Court on 18/2/2022 in the wake of the long drawn civil litigation between the parties.

Pertinent to note, in the order it is recorded that the informant is the husband of Suvarna Lakshmi, whose step sister is Srilakshmi and in the wake of the civil litigation, it is alleged that it is Sri Lakshmi who had given contract to some unknown persons to cause injuries to Suvarna Lakshmi. Observing that there is no material to that effect against the said accused, the civil litigation itself will not give a motive, recording that the entire incident is vague, protection from arrest was granted.

4 The reasoning recorded in the order passed by this Court while releasing Lakshmi on bail, with equal force to the present applicant, though he has been identified in the T.I. parade, the prosecution is not sure whether he was the one along with five persons who mounted an assault and had damaged the car and intended to cause harm to it's occupants.

As far as criminal conspiracy u/s.120-B is concerned, though the learned APP orally submit that Lakshmi had appointed the applicant as an administrator and he was paid a sum of Rs.One lakh for executing the entire conspiracy, there is no material to that effect in the charge-sheet.

5 The accusations levelled against the applicant shall be proved in the course of trial, based on the material, brought by the prosecution to prove the case against him. However, considering the material presently compiled in the charge-sheet, I am of the opinion that he deserve his release on bail. Hence, the following order :-

ORDER

- (a) The Applicant – Jayesh Rajesh Ankush in connection with C.R.No.308/2021 registered with Khadakpada Police Station, shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.

The applicant shall be released on cash bail of Rs.25,000/- in lieu of sureties for a period of four weeks. During the said period, the applicant shall arrange for the sureties.

- (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. The Applicant should not tamper with evidence.

- (c) The Applicant shall attend the trial on regular basis.
- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)