

Corrected in terms of the order dated 03/08/2022

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3146 OF 2021**

Sujit Sugandh Dhatilkar .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Tushar Sonawane for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 28th JULY, 2022

P.C:-

1. The applicant seeks his release on bail, on being charge-sheeted for the offences punishable under Sections 307, 352, 341, 506 read with Section 34 of I.P.C. in C.R.No.I-306 of 2018 registered with Manpada Police Station.

The applicant came to be arrested on 21/08/2018, in the backdrop of an incident, which took place on 05/06/2018, at around 9.00 p.m. and which was reported on 06/06/2018.

2. Heard learned counsel Mr.Sonawane for the applicant and learned A.P.P. for the State.

Learned counsel for the applicant has placed reliance upon the order passed by this Court in case of co-accused Kautik Kailash Hajare (Bail Application No.622 of 2022 decided on 23/06/2021) and Raiba Abhimanyu Hajare (Bail Application No.1081 of 2021 decided on 14/09/2021). He submits that the role attributed to the present applicant is less severe than the one attributed to the other accused, which entitle him to be released on bail.

3. The subject C.R. came to be registered on 06/06/2018, when one Lalchand Shripat Patil reported to Manpada Police Station, alleging that on 05/06/2018, he was informed on phone that Jayesh Patil is lying in an injured condition and his bullet is also lying nearby. He reached the spot alongwith his friend and found Jayesh, profusely bleeding. He informed the complainant, that at around 6.30 p.m., he had been to Pandurang Wadi on his bullet motorcycle and while returning back at around 8.20 p.m., when he crossed Saidhara Tower on Manpada Umbarli Road, 2 to 4 persons were standing near the two motorcycles, which were parked on the road. He could see them in the light of his bullet and he noticed that one of the persons was Sujit, who pelted a stone at him, which hit him on

his face. He lost balance and fell down from his bike. When he managed to stand up, the three persons accompanying Sujit started assaulting him by wooden sticks and he again fell to the ground. Sujit threatened him that he is going to be killed and by taking a pointed knife, which he was holding, he stabbed him on the right side of his neck. He is alleged to have further attacked by knife on various parts of his body, causing injuries to him.

Jayesh narrated to the complainant that all the accused persons intended to cause is death and they also threatened the persons, who were passing by, not to interfere.

4. As per the complainant, about 7 to 8 months back, Sujit had assaulted Varun, the complainant's sister's son aged 13 years, and Jayesh had questioned Sujit. As a result, Sujit had rushed towards him and Jayesh had slapped him. In order to revenge the said incident, it is alleged that Jayesh was assaulted by Sujit alongwith his accomplices.

5. The injury certificate in the charge-sheet corresponds to the complainant's version and records grievous injuries, which include stab wound on the neck and one CLW on the forehead. The said injury is attributed to Sujit and that is why, co-accused Kautik and Raiba came to be released on bail.

6. The role attributed to the applicant has surfaced on record through the material compiled in the charge-sheet and he is the main assailant. However, his incarceration for last four years deserves his release on bail, since the conclusion of the trial does not appear to be in foresight in near future.

The applicant, therefore, deserves his release on bail. This is, however, subject to a condition being imposed on the applicant that he shall not enter the area of Manpada, till the conclusion of the trial. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Sujit Sugandh Dhatilkar shall be released on bail in connection with C.R.No.I-306 of 2018 registered with Manpada Police Station, District Thane, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) 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.

(d) The applicant shall attend the trial on regular basis, unless exempted by the trial Court.

(e) The applicant shall not enter the area of Manpada till the conclusion of the trial.

(SMT. BHARATI DANGRE, J.)