

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

CRIMINAL BAIL APPLICATION NO. 2414 OF 2022

Ajay Jetha Borisa	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Aniket Nikam i/by Mr. Amit Icham, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th OCTOBER, 2022

PER COURT:

1. The applicant is arrested in connection with C.R. No. 296 of 2016 registered with Panchavati Police Station for the offence punishable under Sections 302, 307, 323, 143, 144, 147, 148, 149, 120-B, 109, 212 read with 34 of the Indian Penal Code and Section 135 of the Bombay Police Act and Section 7 of the Criminal Law Amendment Act.

2. The case of the prosecution is that on 27.05.2016, Kundan Pardeshi, Karan Pardeshi, Akshay Ingale, Ganesh Kalekar, Ravi Pardeshi and others formed unlawful assembly. On the pretext of old rivalry, they assaulted

Sunil on head with stone. He suffered injury on head which resulted into his death. Accused also killed Hemant and caused injuries on the back of first informant by means of sticks. The applicant was arrested on 22.06.2016. Charge sheet is filed.

3. It is submitted that co-accused Kiran Nagare and Venkatesh Nanasaheb More were granted bail by this Court in Bail Application No. 187 of 2018 vide order dated 16.04.2018 and Bail Application (St) No. 2403 of 2020 vide order dated 11.12.2020. The role attributed to the applicant is of assault by sticks.

4. Learned APP submitted that there are six other cases registered against the applicant. The applicant was present at the spot of incident. He has participated in the assault.

5. In rejoinder, learned advocate for the applicant submit that co-accused Kiran Nagare is released on bail by this Court and it was noted that four cases were pending against him. The prosecution has raised objection. He has criminal antecedents. Trial has commenced and 10 witnesses are examined. It is pointed out that the

prosecution has relied on the statement about 142 witnesses. This Court granted bail to Venkatesh Nanasaheb More.

6. The applicant is in custody from 22.06.2016. The role of Kiran Nagare and Venkatesh More who were granted bail by this Court is identical. The applicant is attributed overt act of assaulting the deceased by stick. Considering aforesaid circumstances, bail can be granted to the applicant.

ORDER

(i) Criminal Bail Application No.2414 of 2022 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 296 of 2016 registered with Panchavati Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish cash bail security in the sum of Rs. 20,000/- for a period of eight weeks in lieu of surety.

(iv) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(v) The applicant shall not enter the jurisdiction of

Panchavati Police Station, except for purpose of attending the trial or for attending the police station.

(vi) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial court as well as to the concerned police station, in writing.

(vii) The applicant shall not tamper with the prosecution evidence/ witnesses.

(viii) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(ix) The parties to act on the authenticated copy of this order.

(x) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)