

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

CRIMINAL BAIL APPLICATION NO. 183 OF 2023

Aditya Narayankar @ Sonya ...Applicant
Versus
State Of Maharashtra ...Respondent

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Mr. Ankit Takle a/w Ms. Nidhi Narwekar, Advocate for the Applicant.
Mrs. Anamika Malhotra, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 25th JULY, 2023.

PER COURT:

1. The Applicant is seeking bail in C.R. No.491 of 2019 registered with Dharavi Police Station for offences punishable under Sections 307, 326, 324, 323, 504, 506(2) r/w 34 of Indian Penal Code (for short IPC) and Sections 4, 25 of Arms Act and Sections 37(1)(A), 135 r/w 142 of Bombay Police Act. The Applicant was arrested on 29th October, 2019.

2. The case of the prosecution is that on 29th October, 2019 the first informant and his friends were talking to each other and that time the Applicant, Sayappa Nadgiri and one unknown person came to that spot. They abused first informant and others. The Applicant was holding iron rod whereas co-accused Sayappa was in possession of sword. The Applicant had assaulted the first

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informant by giving blow by iron rod on his head whereas Sayappa had given blow by sword on his nose and lips. The first informant fell down on account of assault. He shouted for help. The local residence came to the spot. The co-accused Sayappa threatened the members of public and thereafter the Accused ran away from the spot. Investigation proceeded and charge-sheet was filed.

3. The previous application preferred by the Applicant was withdrawn on 31st March, 2021 as the Court was not inclined to grant bail. However, liberty was granted to prefer fresh application for bail, in the event, the trial is not over within one year.

4. Learned Advocate for Applicant submit that the Applicant is in custody for four years. The co-accused Sayappa has been granted bail by Sessions Court vide order dated 26th August, 2021. The trial has not commenced. It is not clear as to when the trial would commence and come to an end. The Applicant had allegedly assaulted, the first informant Mahesh who had sustained simple injuries. Cross case was registered at the instance of Applicant vide C.R. No. 490 of 2019 with Dharavi Police Station for offences under Sections 307, 324, 504, 142, 143, 144, 147, 148 and 149 of IPC. The Applicant had suffered injuries in the nature of incised wound with sharp weapon whereas the co-accused Sayappa was also in the

said case and he had suffered incised wound on frontal of the parietal region

5. Learned APP submitted that the previous application preferred by the Applicant was withdrawn as the Court was not inclined to grant bail. Specific overtact has been attributed to the Applicant. The Applicant was armed with iron rod. Role of assaulting the first informant is attributed to Applicant. Blow was given on head. There was injury to the skull of the injured. The role of the Applicant and the co-accused Sayappa can be distinguished. The Sessions Court has rejected the application for bail preferred by the Applicant after the withdrawal of the Application before this Court and distinguished the role of the Applicant from the co-accused.

6. While disposing of the previous application vide order dated 31st March, 2021 liberty was granted to the Applicant to prefer fresh application for bail, in the event, the trial is not concluded within one year. Learned Advocate for Applicant on instructions submit that charge is not framed and there is no progress in trial. The co-accused Sayappa Nadgiri has been granted bail. The Applicant is in custody for a period about four years. Cross case was registered at the instance of Applicant for offences as stated

hereinabove. Considering these circumstances, case for grant of bail is made out.

ORDER

- i. Criminal Bail Application No.183 of 2023 is allowed;
- ii. The Applicant is directed to be released on bail in connection with 491 of 2019 registered with Dharavi Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The Applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of **six** weeks in lieu of surety.
- iv. The Applicant shall not tamper with the evidence in any manner.
- v. The Applicant shall stay out of the jurisdiction of Dharavi and Sion Police Station till further orders.
- vi. The Applicant shall provide the place of his residence to the Investigating Officer and Applicant shall attend the trial Court regularly on the date of hearing.

(PRAKASH D. NAIK, J.)