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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 341 OF 2023

1. Ajay @ Ajlya Suresh Patil And
2. Sachin Bhagwan Jadhav ...Applicant

vs.

State of Maharashtra
[At the instance of
Ulhasnagar Police Station) ...Respondent

Mr. Vinod Kashid – Advocates for Applicant.
Mr. S.R.Agarkar – APP for Respondent-State.
Mr. Ralebhat – API – Central Police Station Ulhasnagar ,Thane is
present..

CORAM : S. M. MODAK, J.

DATED : 30TH JUNE 2023

P. C. :

1. Heard, learned counsel for the applicants and learned
APP for the State. Investigation officer is present.
2. Both these applicants are behind the bar since
08/11/2021 and 10/11/2019 respectively. Applicant Deepak was
chargesheeted initially, whereas applicant Ajay @ Ajlya was
chargesheeted subsequently. They are chargesheeted for making an
attempt to commit murder of one Jasbir Ranjitsingh Labana. The

chargesheet is filed for the offences punishable under Sections 307, 395, 326, 324, 143, 147, 148, 149, 427 of IPC @ Sections 37(3) (1)135 of Maharashtra Police Act.

3. The First Information Report lodged by one Sanju Babusingh Labana stating that some altercation took place on account of falling of the bike on 06/11/2019 that is in the intervening night of 05/11/2010 and 06/11/2019. The owners of the bike came alongwith 6-7 persons with iron bar and knife in their hands and they have assaulted Mr.Jasbir. First Information was lodged against unknown persons.

4. As stated above the present applicants are arrested on respective dates. Chargesheet is already filed. There are statements of injured and eyewitnesses. They have not taken names of any assailants. The Test Identification (TI) Parade was conducted. One witness by name Mr.Vinayak Katere has identified 10 accused persons on the basis of footage of CCTV Camera amongst them present two applicants were there.

5. I have perused the statement of witnesses, there is no specific role assigned to these applicants. There is no recovery from these two applicants. Description of articles seized is given on page No.13,14 and 15 of Chargesheet annexed alongwith the bail application.

6. Apart from that co-accused Shailesh Bhoir is granted pre-arrest bail on 21/09/2022. Whereas co-accused Yogesh is granted Anticipatory bail on 11/01/2023. Though Yogesh is described as instigator in the said crime, but according to APP he is one of the assailants.

7. In view of that, I have not dealt with other points. The Applicants have made out a case for bail. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Ajay @ Ajlya Suresh Patil and Sachin Bhagwan Jadhav be released on bail in connection with C.R. No. I-510 of 2019 registered with Ulhasnagar Police Station for the offences punishable under Sections 307, 395, 326, 324, 143, 147, 148,

149, 427 of IPC @ Sections 37(3)(1)135 of Maharashtra Police Act, on furnishing personal bond and surety bond of Rs.25,000/- each with one or more sureties.

(iii) Applicants are directed to attend trial Court on each and every date.

(iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

8. These are my prima facie observations. Let the learned trial Court need not be influenced by them.

9. Application is disposed of in the aforesaid terms.

10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]