

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

BAIL APPLICATION NO. 587 OF 2020

Vidhichandra Dharamraj Saroj @

Nidhichandra Saroj @ Bablu

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Kartik Garg a/w. Ms. Prajakta Kadu and

Mr. Amit Dabekar for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. Vilas Tambe, PSI, Dindoshi Police Station, Mumbai.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th APRIL, 2023.

P. C. :-

. This is an Application under section 439 of Cr.P.C. filed by the aforesaid Applicant who is facing trial in Sessions Case No.770/2019 on the file of Additional Sessions Judge, Borivali Div., Dindoshi, Mumbai arising out of C.R.No.380/2019 registered at Dindoshi Police Station, Mumbai for offences punishable under sections 307, 324, 326 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Laxman Jalindar Dindore. A perusal of the FIR prima facie reveals that on 28/07/2019, at about 10:00 p.m., the first informant had seen four unknown persons assaulting one rickshaw driver by an iron rod and bamboo sticks. He too was assaulted when he tried to intervene.

4. The statement of rickshaw driver as well as the other eye witnesses prima facie indicate that the Applicant was involved in inflicting injuries. The material on record prima facie indicate that Bhalchandra Jadhav (rickshaw driver) had sustained simple injuries whereas Sanjay Soma Kadam had sustained one grievous injury. The Applicant and the co-accused are in custody since 31/07/2019. It is stated that till date, charge is not framed. Considering the large pendency, there is no possibility of the trial commencing or concluding in immediate future.

5. The co-accused who was also involved in assaulting the complainant and the rickshaw driver, has been granted bail by this Court by order dated 28/06/2022 in Criminal Bail Application No.542/2020. Considering all the aforesaid facts and circumstances,

the Applicant is also entitled for bail on the ground of parity. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.770/2019 on the file of Additional Sessions Judge, Borivali Div., Dindoshi, Mumbai arising out of C.R.No.380/2019 registered at Dindoshi Police Station, Mumbai, is ordered to be released on bail, on furnishing P.R. bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iii) The Applicant shall not enter the area wherein the injured persons are residing i.e., Malad, Mumbai till conclusion of the trial ;
- (iv) The Applicant shall keep the Trial Court informed of his

current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

PREETI
H
JAYANI

Digitally signed
by PREETI H
JAYANI
Date: 2023.04.20
18:23:47 +0530

(SMT. ANUJA PRABHUDESSAI, J.)