



Diksha Rane

26 & 32. BA 621-23 & anr.doc

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

BAIL APPLICATION NO.621/2023

HARSHAD SANJAY BHOSALE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

**WITH
BAIL APPLICATION NO.457/2023**

ROCKY MADAN SINGH	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Rahul Arote for the applicant.
Ms. Rutuja Ambekar, APP for the State in BA/457/2023
Mr. N. B. Patil, APP for the State in BA/621/2023.
PSI Jaydip Dalavi, Koparkhairane Police Station, New
Mumbai.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 12, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 307, 504, 506(2) read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with 4, 25 of the Indian Arms Act registered on 12/9/2022 vide C.R.

No.I-399/2022 with Koparkhairane Police Station. The applicants were arrested on 13/9/2022.

3. My attention is invited to the statement of the injured witness as well the statement of the victim which is at page 120. It appears that there was previous enmity between the injured witness and the accused. The differences were resolved. The accused and the injured witness were consuming liquor at around 6.00 p.m.. There was some heated conversation between the injured witness and the accused Rocky whereupon the injured witness slapped Rocky. The injured witness then took out a knife. One Gaja Khillare intervened. He was also pulled by his hair by the injured witness. The accused Rocky and Gaja were annoyed. Rocky got a sword with which he assaulted the victim.

4. Learned APP while opposing the application submitted that there are criminal antecedents reported against the applicants. The antecedents are mainly in the nature of the offence punishable under Section 324 of the IPC. The antecedents reported against the applicant Rocky are under the offence punishable under Sections 392, 452, 427 of the IPC.

5. Considering the manner in which the incident has happened, the provocation of the injured witness and the nature of the accusations, I am inclined to enlarge the applicants on bail. The applicants are in custody for more than one year with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are criminal antecedents reported against the applicants. That by itself is not sufficient to deny the applicants the facility of bail. However, stringent conditions need to be imposed while releasing the applicants on bail. The applicants do not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants (1) Harshad Sanjay Bhosale and (2) Rocky Madan Singh in connection with C.R. No.I-399/2022 with Koparkhairane Police Station, shall be released on bail on their furnishing P.R. Bonds of Rs.25,000/- each with one or more sureties each in the like amount.
- (c) The applicants shall attend the Investigating Officer of Koparkhairane police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicants shall not enter the jurisdiction of Koparkhairane Police Station after being released on bail, till the trial concludes.

(g) The applicants shall attend the trial regularly.

(h) The applicants shall surrender their passports, if any, to the investigating officer.

6. The applications are disposed of.

(M. S. KARNIK, J.)