

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 639 OF 2022**

Jitesh Rampal Jatao
Aged about : 27 Years, Occu. Nil,
R/o. : O.T. Section, Hanuman Nagar,
Ulhasnagar-2, District : Kalyan. ...Applicant

vs.

The State of Maharashtra,
Through Police Inspector :
Ambarnath Police Station. ...Respondent

Mr.Mohd. Saeed Mughal, Advocate for the Applicant.
Mr.H.J.Dedhia – APP for the Respondent-State.
Mr.R.H.Gadwe-PSI-Ambarnath Police Station – Thane.

6 **CORAM :** **S. M. MODAK, J.**
DATE : **6th MARCH, 2023**

P. C. :-

1. Heard learned Advocate Shri.Mohd. Saeed Mughal for the Applicant and learned APP Shri.H.J.Dedhia for the Respondent-State.
2. Pending enquiry and trial, the Applicant who is accused in connection with C.R. No. I-257 of 2018 registered at Ambarnath Police Station under Sections 302, 452, 143, 148, 149, 341 read with 34 of the Indian Penal Code, 1860 [“IPC”] is praying for bail.
3. He along with others, were arrested for murdering one Rajesh by assaulting him. The incident took place on 21st September, 2018

at about 9.15 p.m., in the house of the first informant. FIR is lodged by one Filomeena Rajesh Sharma on 22nd September, 2018. It is lodged against one James Mathews Francis and other three unknown persons. They entered house of the first informant and they started beating the deceased Rajesh with the help of wooden sticks and with the help of tile. The deceased succumbed to the injuries on 22nd September, 2018. Head injury is the cause of death.

4. The background of the incident is a trivial incident of giving of a dash of a cow to one Priya James Francis. She is the wife of arrested Accused James Frincis. It was on 18th September, 2018. Priya was taken for treatment to Central Hospital – Ulhasnagar. Raju was helping the said James. The injured Priya was taken to Lilavati Hospital and doctors have advised her to remove uterus. There was a dispute in between the arrested Accused James and Raju—owner of the cow. The arrested Accused James got annoyed with the first informant Filomeena.

5. Even though, the Applicant is not named in the FIR, he is identified by the first informant Filomeena in the test identification parade. There is no recovery from this Applicant. Considering the fact that the incident took place within a short span of time and considering the fact that one does not say when the trial will start, I

think, the Applicant can be admitted to bail. He is behind bar since 2018. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant Jitesh Rampal Jatao be released on bail in connection with C.R. No. I-257 of 2018 registered at Ambernath Police Station on furnishing personal bond and surety bond of Rs.25,000/-.
- (iii) Applicant to give attendance to Ambernath Police Station on first Sunday of every month from 10.00 to 12.00 noon for one year.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) In case of breach of any of the conditions, bail of the Applicant is liable to be cancelled after notice.

6. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

7. Application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]