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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1656 OF 2021

Ramesh Budhaji Kadam

Age : 65 Years, Occupation : Retired,

R/at : Mulgaon, Boradpada Road,

Taluka : Ambarnath, District : Thane.

...Applicant

vs.

State of Maharashtra

...Respondent

Mr.Viral K. Rathod – Advocate for Applicant.

Mr.Y.Y.Dabke – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 5th APRIL, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. In fact, the Applicant was released on COVID – bail by the trial Court for a limited period and earlier, he has not surrendered. When this matter was listed on 18th March, 2023, learned Advocate Shri.Viral Rathod sought time to take instructions about surrender.
3. Today it is submitted that the Applicant has surrendered before the trial Court on 29th March, 2023 and he was taken into custody.

Relevant papers are filed. They are taken on record and marked as Annexure-X.

4. Accordingly, I have both of them on merits.

5. Learned APP invited my attention to the various materials collected during investigation. The First-Informant Bhagwan Kadam is brother of the Applicant. The apparent reason for the assault as such is trivial but still the incident took place. The Applicant-Accused was carrying the soil for the purpose of brick kiln and First-Informant Bhagwan asked him about this act. On that, the Applicant got annoyed and assaulted him. This is earlier incident.

6. Whereas, the main incident took place on 25th March, 2020 at about 15.30 hours when the First-Informant was carrying his buffaloes for the purpose of grazing. The Applicant along with two persons assaulted the First-Informant from backside with the help of stick and threatened him. He received injuries to his brain. Firstly, he was taken to Primary Health Centre, Kulgaon and then, AIMS Hospital, Dombivali. He was treated there. He remained in the hospital from 25th March, 2020 upto 6th April, 2020.

7. Learned APP invited my attention to the injuries sustained by the First-Informant. According to him, even the weapon of offence is

seized from the Applicant and there are eye witnesses.

8. It is true that there are sufficient materials to show the complicity of the Applicant but I am inclined to grant him bail. He has remained behind bar for almost two years and trial has not begun. Even though, he has not surrendered in time as per the COVID-bail, now he has surrendered. Trial is not going to start in near future. The conditions can be put on the Applicant so that the interest of the Prosecution will be protected to certain extent.

9. In view of that, following order is passed :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant Ramesh Budhaji Kadam be released on bail in connection with C.R. No.52 of 2020 registered with Kulgaon Police Station – Thane on furnishing personal bond and surety bond of Rs.25,000/-.
- (iii) After release from jail, Applicant to give attendance to Kulgaon Police Station on first Saturday for the month of April, July, September and December in year for a period of 3 years from today.
- (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.

10. 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.

11. Application is disposed of in the aforesaid terms.
12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]