



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

BAIL APPLICATION NO. 1438 OF 2023

MR. RITESH FULENDRA RAM @ BHAIYA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Rajeshkumar Salpuram i/b Mr. Sudhir P. Khatu, for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 04, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 302, 324, 504, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 and under sections 37(3) and 135 of the Maharashtra Police Act registered on 10/08/2019 vide C.R. No. 248 of 2019 with Mankhurd police station. The applicant was arrested on 10/08/2019.
3. There are in all 5 accused. The applicant is the accused no.2. The accused nos. 1, 4 and 5 have been enlarged on bail. However, role of the applicant is greater

than that of the co-accused nos. 1, 4 and 5. The date of the incident is 09/08/2019. It is the case of the prosecution that the accused were standing outside of the gate of one society. The deceased was walking along with the informant and happened to push one of the co-accused by-mistake. The verbal altercations took place between the accused and the deceased. The present applicant and co-accused assaulted the deceased with a wooden log. The incident is not premeditated. It appears that the incident happened on the spur of the moment. There are no criminal antecedents reported against the applicant. The applicant is in custody for more than 4 years and 3 months. Even the charge has not been framed. The applicant does not appear to be at a flight risk. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Though the application is opposed by the learned APP contending that there are eye-witnesses who specifically name the applicant and his role, in the facts and circumstances of the present case and considering the period the applicant has spent in custody as an undertrial, the applicant can be enlarged on bail by imposing

conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ritesh Fullendra Ram @ Bhaiya in connection with C.R. No. 248 of 2019 registered with Mankhurd police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Mankhurd police station once in three months on first Monday of the concerned month commencing from January 2024 between 11.00 a.m. and 1.00 p.m.
- (e) The applicant 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 applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case

there is any change.

(g) The applicant shall not threaten the witnesses.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

4. The application is disposed of.

(M. S. KARNIK, J.)