



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

BAIL APPLICATION NO. 1699 OF 2023

MR. VIJAY BANSI RANDIVE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sandesh Manikhedkar, for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI-Mr. Durgesh More, Wadala police station is present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 4, 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 and 34 of the Indian Penal Code registered on 20/12/2022 vide C.R. No.314 of 2022 with Wadala Police Station, Mumbai.

3. The applicant is the accused no. 1. The applicant was arrested on 20/12/2022. On 06/10/2023, co-accused Pranav Vijay Randive who is the son of the applicant is enlarged on bail. For convenience, the order is reproduced as under which sets out the facts.

“3. The applicant was arrested on 20/12/2022. The applicant is accused No.2. Vijay Randive is accused No.1 who is the father of the applicant. On the date of the incident i.e. on 19/12/2022, at around 11.30 p.m. one unknown person was roaming around in a heavily drunken state. He took a knife from the one food stall and started searching for someone. A kabab stall owner from whose stall the knife was taken by the unknown person questioned him as to why he had taken the knife and told him that the same should be returned. The unknown person who is the deceased herein, did not pay any attention to the request of the kabab stall owner and instead ran after the applicant's father with the knife. The statements of the witnesses reveal that the deceased/unknown person ran after the applicant's father with a knife. The applicant along with others caught hold of the unknown person. The kabab stall owner snatched the knife from the unknown person. The accusation is that the applicant and his father assaulted the unknown person with fists and kick blows. The victim fell down.

4. I have gone through the post-mortem notes. The unknown person died because of the head injury. Prima facie, the same is not attributed to the accused. The incident happened on the spur of the moment. There was no pre-meditation. There is nothing on record to indicate that the deceased was known to the accused or there was any enmity between them. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case, though the learned APP opposed the application for bail, I am inclined to enlarge the applicant on bail. The applicant is not a flight risk.”

4. Learned APP opposed the application. However, I am satisfied that on the ground of parity even present applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Vijay Bansi Randive in connection with C.R. No.314 of 2022 registered with Wadala Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) 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.
- (e) 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.
- (f) The applicant shall attend the trial regularly.

5. The application is disposed of.

(M. S. KARNIK, J.)