

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

CRIMINAL BAIL APPLICATION NO.1453 OF 2023

Jignesh Naresh Parmar .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Sudeep Pasbola with Mr. Ayush Pasbola for the applicant.

Ms. Pallavi Dabholkar, APP for the State.

PSI N.V. Chandramore from Mulund police station.

CORAM: BHARATI DANGRE, J.

DATED : 3rd JULY, 2023

P.C:-

1 In furtherance of the previous order, where the learned APP was asked to find out the antecedents of the applicant, she would press into service C.R.No.228/2018, registered with Mulund police station which is invoked u/s.392 r/w section 34 of the IPC.

2 The second Bail Application is preferred in the wake of the delay in framing of the charge, as it can be seen that the first application was withdrawn on 20/8/2022, with liberty to renew the request for being released on bail, in case if the charge is not framed within a period of six months. Admittedly, the charge is not framed and hence, liberty has been availed by filing second Bail Application.

3 With the able assistance of Mr.Pasbola as well as the

learned APP, I have perused the charge-sheet placed on record.

Admittedly, the applicant is the author of the injuries that are indicated in the injury certificate issued by MCGM Hospital at Mulund (West) Mumbai, reflecting the injuries upon the complainant/victim. The nature of injuries as indicated in the penultimate column, reflect as being 'simple injuries' caused by pointed and blunt object and necessarily, the injury certificate matches with the version of the prosecution case, that on being perturbed, the applicant assaulted the victim by means of a poker. Except injury no.3 which is on the head, the placement of other injuries *prima facie* would not indicate the intention to eliminate the victim or cause his death, thereby attracting offence punishable u/s.307 of the IPC.

In any case, the applicant would face the consequences of the accusations levelled against him when he faces the trial.

He has been incarcerated since 19/10/2020 pursuant to the offence being registered on 18/10/2020 and since with almost three years having passed, the charge is not yet framed.

Hence, I deem it appropriate to secure his liberty by releasing him on bail subject to the condition that he shall not indulge into any offence while he is on bail and in case of any such contingency, the prosecution is at liberty to seek cancellation of bail. Hence, the following order :-

ORDER

- (a) The Applicant – Jignesh Naresh Parmar in connection with C.R.No.673/2020 registered with Mulund Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall mark his attendance with the concerned police station on every Monday once in a trimester.
- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)