



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

BAIL APPLICATION NO. 2135 OF 2023

RAHUL BHARAT KANOJIA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Vinod Kashid i/b Sumit Bhoite for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI Sanjay Gaikwad, Ulhasnagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 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, 143, 147, 148, 149 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 37(1), 135 of the Maharashtra Police Act, 1951, registered on 21/01/2020 vide C.R. No.37 of 2020 with Ulhasnagar Police Station, District Thane.
- 3.** There are in all 6 accused and the applicant is accused No.6. It is the accusation that on 21/01/2020, the 6 accused assaulted Deepak. Some of the accused were

armed with sharp weapons. There are 6 eyewitnesses, out of which 5 witnesses did not identify the applicant in the T.I. parade. One eyewitness identified the applicant.

4. Learned APP invited my attention to the notes regarding CCTV footage which reveals the applicant's role. Learned APP states that since Section 149 of the IPC has been invoked, it is not open for the applicant to contend that he assaulted the deceased with fists and blows, the applicant be enlarged on bail.

5. The investigation is complete. The charge-sheet has been filed. Having carefully perused the notes regarding CCTV footage and the materials on record, the role attributed to the applicant is assault with fists and blows. No doubt, the assault on the deceased was brutal and there are several grievous injuries on his person. However, considering that there are no criminal antecedents against the applicant, the role of the applicant and the fact that the applicant has been in custody for more than 3 years and 6 months without any possibility of trial concluding any time soon, the applicant can be enlarged on bail. Hence, the

following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Rahul Bharat Kanojia in connection with C.R. No. 37 of 2020 registered with Ulhasnagar 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 shall attend the Investigating Officer of Ulhasnagar Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter in the jurisdiction of Ulhasnagar Police Station after being released on bail, till the trial concludes.
- (g) The applicant shall not leave Thane District without intimating the Investigating Officer.

(h) The applicant shall attend the trial regularly.

6. It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

7. The application is disposed of.

(M. S. KARNIK, J.)