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

BAIL APPLICATION NO.2541 OF 2023

KRUNAL GANESH WALUNJ ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. D. M. Barhate a/w Adv. Navin Dhongadi for the
applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 8, 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 307, 326, 324, 143, 147, 148, 120-B read with 149 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1)(a) read with 135 of the Maharashtra Police Act, 1951 registered on 29.03.2023 vide FIR No.220 of 2023 with Tilaknagar Police Station.
- 3.** By an order dated 27.10.2023 in Bail Application No.3080 of 2023, this Court enlarged the co-accused –

Amol Raju Gangatiware on bail. The order reads thus :-

"2. This is an application for bail in respect of the offence punishable under sections 307, 326, 324, 143, 147, 148, 120B read with 34 of the Indian Penal Code registered on 29/03/2023 vide C.R. No.220 of 2022 with Tilaknagar Police Station.

3. The applicant was arrested on 29/03/2023. The date of the incident is 29/03/2023. The informant received a call from his friend Mahesh Nimbalkar when he asked the informant to attend the religious program arranged at the place of Radheshyam Varma at Tilaknagar. At around 2.00 to 2.30 p.m., 10-12 persons entered into the premises. They had come there to vacate the said plot at the instance of a Builder-Mahesh Mhapara. Thereafter there was arguments between the two sides which led to a scuffle. These 10-12 persons assaulted the informant and his associates on their vital parts of the body.

4. Learned APP opposed the application.

5. There are in all 8 accused. Accused nos. 1 to 4 have been enlarged on bail. The present applicant does not appear to be assailant. In respect of the witness who suffered grievous injuries, same are not attributed to the present applicant. The investigation is complete. The charge-sheet has been filed. The applicant is in custody for almost 7 months. The applicant can be enlarged on bail. There are 3 criminal antecedents reported against the applicant under section 326 of IPC. However, in the present facts and circumstances of the case, the antecedents by itself would not be sufficient to deny the applicant the facility of bail. The applicant can be enlarged on bail by imposing conditions."

4. Learned counsel for the applicant submitted that there is one criminal antecedent reported against the applicant under Sections 341, 354-D of the IPC.

5. Learned APP opposed the application for bail.

6. The applicant was arrested on 29.03.2023. The investigation is complete and the charge-sheet has been filed. The co-accused having a similar role has been enlarged on bail. Though the application is opposed by learned APP submitting that a specific role is attributed to the present applicant in the statement of the informant, I am inclined to enlarge the applicant on bail, as further custody of the applicant will only be by way of a pre-trial punishment. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Krunal Ganesh Walunj in connection with FIR No.220 of 2023 registered with Tilaknagar 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 the concerned 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 attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Mumbai/Mumbai Suburban District after being released on bail, till the trial concludes.

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

7. The application is disposed of.

(M. S. KARNIK, J.)