

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3768 OF 2022

Ravi @ Rahul Kamlesh Jaisinghani

.... Applicant

Versus

The State of Maharashtra

.... Respondent

WITH

INTERIM APPLICATION NO.3332 OF 2023

Shree Babu Yashwant Patil

.... Applicant

Versus

The State of Maharashtra & Anr.

.... Respondents

Mr. R. D. Suryawanshi, Advocate for the Applicant.

Ms. , APP for Respondent-State.

Mr. Arun Rajput a/w Mr. Viral Mukte for the Intervenor in IA/3332/2023.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 65 of 2022 registered with Hill Line Police Station, District - Thane for the offences punishable under sections 307, 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, 1860 (for short "IPC") and under sections 4, 25 of the Arms Act, 1959 and under Section 37(1) and 135 of the Maharashtra Police Act, 1951.

2. It is prosecution's case that on 21st February, 2022 complainant

and his brother were assaulted with sickle, knife, sword and wooden stick by the co-accused and applicant with intention to kill them.

3. It is contention of learned counsel for the applicant that accused no. 1 has been released on bail by this Court (Coram: M. S. Karnik,J) vide order dated 19th September, 2023. The allegations against him are that he assaulted the complainant with chopper on his stomach, chest and head. When complainant tried to save his brother Narendra from assault of accused no.1. The allegations against the applicant are that he was holding sword. The allegations against the applicant is on lesser side than accused no.1. Hence, applicant is entitled for bail on principle of parity.

4. It is contention of learned counsel for the intervenor that applicant was holding sword at the time of incident. He had assaulted the complainant and his brother with sword along with other accused with intention to kill them. There is *prima facie* case

against the applicant. If applicant is released on bail, he may

threaten the prosecution witnesses. Learned counsel further submitted that blood stained cloths are recovered at the instance of the applicant. Hence, requested to reject the application.

5. Learned APP reiterates the submissions of learned counsel for the Intervenor.

6. I have heard all learned counsel. Perused FIR and charge-sheet.

7. The allegations against the applicant are that at the time of assault he was holding sword in his hand. He along with other co-accused assaulted the complainant and his brother. In complaint, specific allegations are made against the accused no.1, who has been released on bail by this Court (Coram: M. S. Karnik, J) vide order dated 19th September, 2023. In compare to role attributed to accused no.1, the role of present applicant is on lesser side. Hence, applicant is entitled for bail on principle of parity.

8. In view of above, I pass following order.

ORDER

(a) The application is allowed.

(b) Applicant be enlarged on bail in C. R. No. 65

of 2022 registered with Hill Line Police Station, District – Thane, on executing PR Bond of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall attend the investigating officer of Hill Line 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.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer,

the applicant shall not enter the Thane District after being released on bail, till the trial concludes.

(h) Any attempt on the part of the applicant to contact, influence or threaten the victim will be viewed seriously which may include the consequence of cancellation of this bail.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this Order.

12. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)