

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3494 OF 2022

Vinay Ramashankar Yadav
@ Vinaykumar Ramashankar Yadav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Karim Pathan along with Mr. Kalam Shaikh, Mr. F. Shaikh and Ms. Sana Shaikh, Advocates for the Applicant.

Mr. Amit A. Palkar, APP for Respondent-State.

Mr. V. M. Khilare, PSI, Oshiwara Police Station, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.559 of 2022 registered with Oshiwara Police Station, Mumbai, for offences punishable under Sections 302, 504, 323, 341 read with 34 of Indian Penal Code, 1860 and Section 37(1) and 135 of Maharashtra Police Act.

2. It is prosecution's case that applicant and accused No.1

Rajesh Yadav had assaulted the deceased and first informant. Accused No.1 – Rajesh Yadav gave blow of knife on the chest and stomach of deceased Satish, due to the said assault, Satish died. Allegations against applicant are that he manhandled deceased and first informant.

3. It is contention of learned counsel for applicant that the incident happened suddenly. Applicant has been falsely implicated in this case. Allegations against applicant are that he pushed the complainant. Applicant has not played any role, in respect of injury caused to the deceased. The main allegations are against accused No.1. Applicant is behind bar for more than 17 months. Hence, requested to allow the application.

4. Learned APP submitted that applicant and accused No.1 assaulted deceased, applicant had pushed first informant and deceased. Blood-stained clothes of the applicant have been recovered at his instance. There is prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

6. Allegations against applicant are that he was present at the time of incident. He manhandled first informant and deceased. The main allegations are against accused No.1, he had assaulted deceased with knife on his chest and stomach and due to the said assault, he died. Applicant is behind bar for more than 17 months. Considering the role attributed to the applicant, I am inclined to allow the application.

7. Considering the above facts, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.559 of 2022 registered with Oshiwara Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed off.

9. 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.

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

(SHIVKUMAR DIGE, J.)