

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

CRIMINAL BAIL APPLICATION NO. 3572 OF 2022

Rajkiran Rambahadur Yadav	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Sudeep Pasbola i/b Mr. Ayush Pasbola for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.
Mr. P. D. Yerunkar – PSI, Shrinagar Police Station, Thane, present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No.21 of 2021 registered with Shrinagar Police Station, Dist-Thane, for offences punishable under Section 302, 307, 324, 323 and 504 read with 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that, due to traffic jam when the complainant was standing on motorcycle at that time due to old rivalry, applicant and co-accused assaulted the complainant with fist

and blows and sickle. Co-accused Piyush assaulted on the head of complainant with sickle. It is alleged that the applicant took the sickle from co-accused Piyush and assaulted on the right back side of the complainant. After assault complainant was seriously injured. He was admitted in hospital, while taking treatment he died. Initially, complaint was lodged under Section 307 of IPC after death of complainant section 302 of IPC was added.

3. It is contention of learned counsel for the applicant that cross complaint is lodged by the applicant against the deceased and the other persons. Allegations against the applicant are that, he assaulted the deceased with sickle on his right back side of the body. The cause of death of deceased was due to head injury. It is alleged that assault on head of deceased with sickle was made by co-accused Piyush. The sickle used in the incident is recovered at the instance of co-accused. Nothing is recovered at the instance of the applicant. Applicant is behind bar for more than 2 ½ years. Investigation is completed and charge sheet has been filed. Hence, requested to allow the application.

4. Learned APP submitted that applicant and co-accused assaulted the deceased when he was stuck in traffic jam.

Complainant has specifically stated that applicant took out the sickle from hands of co-accused and assaulted on his right back side of the body. It shows involvement of the applicant in the crime. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The allegations against the applicant are that, he assaulted deceased with fist and blows and thereafter, he took out the sickle from the hands of co-accused and assaulted the deceased on his right back side of body. Postmortem report shows cause of the death is head injury. From the complaint, it appears that co-accused had assaulted on the head of the deceased. Applicant is behind bar for more than 2 ½ years. Investigation is completed and charge sheet has been filed.

7. Considering above facts, further detention of the applicant is not required.

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

ORDER

(i) Applicant be enlarged on bail in Crime No. 21 of 2021

registered with Shrinagar Police Station, District –
Thane, on executing P.R. Bond in the sum of Rs.
25,000/- 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 Saturday between 11:00
a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall not tamper with the evidence and/or
influence the prosecution witnesses.

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

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

(SHIVKUMAR DIGE, J.)