

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

CRIMINAL BAIL APPLICATION NO. 3507 OF 2022

Ramkumar Ramdas Yadav

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Yogesh Palve for the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

Mr. N. B. Bora – API Badlapur (W) Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 171 of 2021 registered with Badlapur (West) Police Station, Thane for the offences punishable under Sections 307, 323, 143, 147, 148, read with Section 506 of the Indian Penal Code (for short “IPC”).

2. It is prosecution’s case that complainant had tried to resolve the quarrel between two groups, at that time applicant and co-accused assaulted complainant with sharp weapons and tried to kill him.

3. It is contention of learned counsel for the applicant that allegations against the applicant are that applicant had caught hold the complainant and instigated co-accused to kill him. Learned counsel further submitted that co-accused who had assaulted the complainant has been released on bail by the Sessions Court. Applicant has been falsely implicated in this case. Hence, requested to allow the application.

4. Learned APP submitted that applicant had instigated the co-accused to assault the complainant. Applicant had caught hold the complainant and asked the co-accused to kill him. There is *prima facie* case against the applicant. Hence, requested to reject the application.

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

6. It appears that incident had happened in spur of moment, when complainant was trying to resolve the dispute between two groups. The applicant and co-accused assaulted him. Allegations

against the applicant are that he caught hold the complainant and asked co-accused to assault him. The co-accused who assaulted the complainant have been released on bail by the trial Court. Applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial.

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

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

ORDER

- (i) Applicant be enlarged on bail in C. R. No. 171 of 2021 registered with Badlapur (West) Police Station, 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 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, witness or any person concerned with the case.

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

10. 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.

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

(SHIVKUMAR DIGE, J.)