

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

CRIMINAL BAIL APPLICATION NO. 3415 OF 2022

Karan Rajkumar Jasuja

Age : 29 Years, R/o. : Shivam Apartment
3rd Floor, Room No.303, Near Bhemnagar,
Ulhasnagar – 1, District : Thane.

...Applicant

vs.

The State of Maharashtra
[Through Ulhasnagar Police Station]

...Respondent

Mr.Sanjeev P. Kadam a/w Ms.Chandarani Gore a/w Ms.Aditi Rajput
and Mr.Prashant Raul i/b. Ms.Varsha M. Thorat – Advocate for
Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

Mr.Sachin Shinde – PSI – Ulhasnagar Police Station.

CORAM : S. M. MODAK, J.

DATE : 12th APRIL, 2023

P. C. :-

1. Heard learned Advocate Shri.Kadam for the Applicant and
learned APP Shri.Dedhia for the Respondent-State.

2. Though the Investigating Officer is not present, Officer from
concerned Police Station is present. In an unfortunate incident, the
deceased Bharat alias Sonu Suresh Patadia expired on 17th May,

2022. He was travelling in a tempo, along with the First Informant – Akash Raju Sacharia. The present Applicant was also travelling. The tempo driver gave a dash to his motorcycle and as a result, his number plate was broken. The Accused tried to take the First-Informant to the task and compelled to stop his tempo. The deceased also tried to challenge the Applicant by getting down from the tempo. There were heated exchanges.

3. Even the Applicant caught hold his caller and forced him to come out of the tempo. The deceased was beaten. He was admitted in Rukminibai Hospital – Kalyan. He succumbed to the injuries that is how the offence is registered at C.R. No. 216 of 2022 at Ulhasnagar Police Station under Sections 302, 341, 323 and 504 of Indian Penal Code, 1860 [“IPC”] against unknown person. During investigation, the involvement of the present Applicant was disclosed. He was described by the cloths he had worn.

4. During the investigation, he was identified by the witnesses. The post mortem doctor could not give an opinion about the cause of death as viscera samples are taken. There are two injuries in column no.17. One of them is linear abrasion on right frontal region. There is also corresponding injury which is mentioned while internal

examination. (Page Nos.82 & 83).

5. Learned Advocate Shri.Kadam submitted that there was no premeditation, there was no previous quarrel and no weapon is used. According to him, the quarrel took place on a sudden provocation. He has submitted that even the offences will not fall under Section 302 of IPC.

6. Whereas, according to learned APP, the Sessions Court has refused the bail for one additional reason and that is reflected in Para No.12. There is an affidavit filed by the First-Informant before the Sessions Court. The relevant observations are as follows :-

“12] Moreover, the applicant/accused has been specifically identified during the test identification parade. The first informant has filed the affidavit on record stating therein that though the applicant/accused is in jail, but his relatives or friends are trying to pressurize him to take back the case and as such the accused is trying to threaten him even if he is in jail. He further expressed the apprehension that if the applicant/accused is released on bail, there is every danger to his life and limb, that there is possibility of causing his death also”.

7. Considering this, learned APP was asked to take instructions whether any complaint is lodged by the relatives of the deceased to

the Police Station. After taking instructions, it is submitted that no such complaint is received. Even he invited my attention to the reply filed by the Police before the Sessions Court. It is on Page No.29. It mentions about the merits and possibility of misuse if granted bail. It does not say about any new complaint lodged.

8. On merits, I agree with the learned Advocate Shri.Kadam that the Applicant is entitled to be released on bail. Charge-sheet is already filed and one does not know when the trial will begin. Copy of that affidavit is not available for perusal. However, when we read the above said observations, it does not reflect that any such specific incident has taken place and at whose instance. It appears that it is the apprehension in the mind of the First-Informant that may not be entirely wrong. It can be taken care by imposing conditions. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant – Karan Rajkumar Jasuja be released on bail in connection with C.R. No. 216 of 2022 registered with Ulhasnagar Police Station – Thane on furnishing personal bond and surety bond of Rs.50,000/- with one or two sureties of Rs.25,000/-.

- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

9. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

10. Application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]