

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

BAIL APPLICATION NO. 3780 OF 2022

Sanjay Rambhalak Choube @
Choubey
v/s.

.... Applicant

The State of Maharashtra

.... Respondent

Mr. Karan Vishwajit M. i/b. Mr. Abhijit Singh for the Applicant.
Ms. P.N. Dabholkar, APP for the State.
Mr. Chakane, PSI, Dahisar Police Station, present.

CORAM : G.A. SANAP, J.

DATED : 22nd DECEMBER, 2023.

P. C. :-

. The Applicant/accused has made this Application for bail under Section 439 of the Criminal Procedure Code, in connection with C.R.No.26/2022 registered with Dahisar Police Station, Mumbai for the offences punishable under Sections 143, 144, 146, 147, 148, 307, 323, 324, 387, 427, 452, 504, 506, 506(II) r/w. 149 of the Indian Penal Code, Sections 4, 25 of the Indian Arms Act and Sections 37(1)(A), 135 and 142 of the Maharashtra Police Act.

2. I have heard the learned advocate for the Applicant/accused and the learned APP for the State. I have perused the record and proceedings.

3. The learned advocate for the accused submitted that the Applicant is entitled to get bail on the ground of parity with the 03 accused who have been released on bail by this Court (Coram : M.S. Karnik, J.) vide order dated 20/12/2023. The learned advocate for the accused submitted that the accused was not the actual assailant. The learned advocate for the accused submitted that the accused is 23 years old and in the fact situation, his further incarceration is not warranted. He has been in custody from 14/01/2022. The learned advocate for the accused submitted that the accused is ready to abide by the conditions that may be imposed by this Court.

4. The learned APP submitted that the act was committed in furtherance of the common intention and conspiracy. The accused was present at the spot when the actual assault had occurred at the instance of the main accused. The learned APP submitted that the Applicant is a member of the gang which is run by the leader and therefore the possibility of tampering with the prosecution evidence, cannot be ruled out.

5. It is seen that the 03 accused namely Anand Dhangar, Jatin Bhoir

and Panesh Bhoir have been granted bail by this Court (Coram : M.S. Karnik, J.) vide order dated 20/12/2023 in Bail Application No.2178/2023. No specific role in actual assault has been attributed to this Applicant-accused. It is seen that no role has been attributed in assault to the accused – Anand Dhangar, Jatin Bhoir and Panesh Bhoir. In my view, therefore, the Applicant/accused is entitled to get bail on the ground of parity. It is further noticed that investigation in the crime is complete. The case is fixed before the learned Sessions Court for framing charges. In the facts and circumstances, accused is entitled to get bail. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions. Hence, the following order :-

(a) The Bail Application is allowed.

(b) The Applicant – Sanjay Rambhalak Choube @ Choubey be released on bail in connection with C.R.No.26/2022 registered with Dahisar Police Station, Mumbai on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two solvent sureties in the like amount.

(c) The Applicant shall attend the Investigating Officer of Dahisar Police Station, Mumbai as and when called.

(d) The Applicant shall not in any manner 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) The Applicant shall not threaten or intimidate the complainant or witnesses. If it is found that the Applicant is indulging in any such activities, the same shall be the ground for cancellation of this bail.

(f) On being released on bail, the Applicant shall furnish his contact numbers and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. Bail Application stands disposed of in above terms.

7. It is made clear that observations made herein above be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the Trial Court.

**PREETI
HEERO
JAYANI**

(G.A. SANAP, J.)

Digitally signed by
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