



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

BAIL APPLICATION NO. 4102 OF 2023

CHHOTU TRIJOGI JAISWAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Abhishek Jha a/w Adv. Nishant Mokal i/b The Legal Associates for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

PI Vikas Mhamoukar, Wadal Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 307, 326, 146, 147, 148, 149, 34, 114 and 212 of the Indian Penal Code and Sections 31(1) and 135 of the Maharashtra Police Act registered on 20/04/2023 vide C.R. No.72 of 2023 with Wadala Police Station.
- 3.** There are in all 5 accused. The applicant was a

motorcycle rider. The pillion rider of the applicant who is the co-accused along with other accused are alleged to have assaulted the injured victim with a chopper and sharp-edged weapons. The applicant is not the actual assailant. It is further submitted that this Court by an order dated 13/12/2023 in Bail Application No. 3936 of 2023 has enlarged the co-accused Akshay Kamble on bail.

4. Learned APP while opposing the application submitted that the applicant has actively assisted other accused as the applicant was riding the motorcycle and shared common intention with the other accused. It is further submitted that the applicant was identified in the identification parade.

5. The applicant does not appear to be a flight risk. There are no criminal antecedents reported against the applicant. The applicant is not the assailant. Whether the applicant shared a common intention with the co-accused is a question which will be determined during trial. Considering the role of the present applicant and that he is in custody since date of this arrest i.e. 22/04/2023 for the period of 8 months as an undertrial, as the investigation is

complete and the charge sheet is filed, I am inclined to enlarge the applicant on bail by imposing certain conditions.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Chhotu Trijogi Jaiswal in connection with C.R. No.72 of 2023 registered with Wadala Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Wadala police station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not 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) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) Except for the purpose of reporting to the

Investigating Officer, the applicant shall not enter the jurisdiction of Wadala Police Station after being released on bail, till the trial concludes. Depending on the conduct of the applicant it is open for the trial Court to pass appropriate orders modifying this condition at a later stage.

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

6. The application is disposed of.

(M. S. KARNIK, J.)