

Corrected in terms of the order dated 09/05/2024

MANDIRA MILIND
SALGAONKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.212 OF 2024

Rohit Ravindra Gurav .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Aabad Ponda, Senior Advocate for the Applicant.
Smt.Mahalaxmi Ganpathy, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 07th MAY, 2024

P.C:-

1. This is the third Bail Application filed by the Applicant; the first two being rejected on the ground that the charge-sheet clearly refer to his role in commission of the offences in C.R.No.497 of 2020, which has invoked Sections 302, 323, 109, 114, 143, 147, 149, 504 of the Indian Penal Code.

2. Heard the learned senior counsel Mr.Ponda for the Applicant, who has premised his Application on two grounds; the first being the co-accused, who is alleged to have played a bigger role than the Applicant, he being the driver of the car, which is alleged to mowed down the deceased, being released on bail by this Court on 25/09/2023 and the second ground,

which he press into service is, non-framing of the charge till date, despite the incarceration of the Applicant for more than three years and, since, the prosecution has cited 33 witnesses, in support of its case, the learned senior counsel would submit that the trial may take considerable time, and during its pendency, there is no justification to keep the Applicant detained.

3. In my previous order dated 22/07/2022, I had specifically set out the case of the prosecution and on scanning the material contained in the charge-sheet, I have referred to the complaint lodged, by the Complainant, stating that he alongwith the deceased was walking on the road, after tiff that had occurred, when they had visited a dhaba and consumed liquor, with the persons who were seated across them.

The Complainant clearly identified the driver of the vehicle to be the one, who was sitting on the next table and one amongst them with whom the tiff occurred.

4. In his supplementary statement, he had improved his case and on considering the injuries sustained by the deceased and by referring to the statements of the material witnesses and the fact that the Applicant was identified by witness-Ramesh Chavan as one of the persons amongst the six persons, who had visited the hotel in the night, when the unpleasant incident occurred, I refused him indulgence.

The aforesaid order was assailed before the Apex Court and on 05/12/2022, it recorded thus :-

“We do not think that the Petitioner is entitled to bail at this stage.”

5. Two other co-accused, namely, Vicky @ Vikrant Shatrughan Tandel and Ninad Mahendra Mhatre came to be released on bail on 07/06/2023 and 25/09/2023 respectively, by recording that the death of the deceased was caused due to sudden quarrel and there was no intention or motive and both the Complainant and the deceased were under influence of liquor. It is also categorically recorded that the dash was not given intentionally and considering that the applicants were incarcerated for a considerable time, on completion of investigation and filing of charge-sheet, liberty was restored to them.

6. In the present case, the Applicant is incarcerated for more than three years and till date, even charge is not framed. In the light of this changed circumstance, when the co-accused are released on bail, I deem it appropriate to enlarge the Application on bail, subject to the following conditions.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Rohit Ravindra Gurav shall be released on bail in connection with C.R.No.497 of 2020 registered with Manpada Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall mark his attendance before the concerned police station once in a month i.e. on first

Wednesday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(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.

7. Needless to state that the observations made above are, *prima facie*, in nature and limited to the extent of adjudication of the present application and the learned Judge trying the applicant for the offences with which he is charged, shall not get influenced by the above observations, in any manner.

(SMT. BHARATI DANGRE, J.)