

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

BAIL APPLICATION NO. 270 OF 2024

Prasik *alias* Ranjit Uttam Kamble

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Satyavrat Joshi i/b. Mr. Anshuman R. Asare, Advocate, for the Applicant.

Mr. P. P. Malshe, APP, for the Respondents – State.

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.03.2024

P. C.

1. Heard Mr. Joshi, learned Counsel appearing for the Applicant and Mr. Malshe, learned APP appearing for the Respondents-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	234 of 2023
2.	Date of registration of F.I.R.	06.08.2023
3.	Name of Police Station	Parvati Police Station, Pune
4.	Sections invoked	143, 144, 146, 307, 323, 147, 149, 506 of the I.P.C., 1860; 4, 25 of the Arms Act, 1959; 37(1) r/w 135 of the Maharashtra Police Act, 1951
5.	Date of incident	05.08.2023
6.	Date of arrest	06.08.2023

3. As per the prosecution case, when the other Accused persons were assaulting the injured, the Applicant prevented the injured from running away to safety and from escaping the said assault.

3. Mr. Joshi, learned Counsel appearing for the Applicant submitted that there are no antecedents. The Applicant has not taken active part in the incident. Therefore, the Applicant may be granted bail.

4. On the other hand, Mr. Malshe, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. He submitted that the Applicant had restrained the injured when he was trying to run away from the spot in order to escape the said assault. However, investigation is complete and Charge-sheet is filed. The only role attributed to the Applicant is that the Applicant prevented the injured from running away from the spot at which the assault took place. There are no antecedents against the Applicant.

5. Mr. Joshi, learned Counsel for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within District – Pune and that the Applicant will reside at the residence of Smt. Bukabai Kamble, Moreshwar Society, Rahul Nagar – 01, Sion, Chunabhatti, Mumbai.

4. The trial is likely to take a considerably long time.

5. The Applicant does not have any criminal antecedents.

6. The Applicant does not appear to be at risk of flight.
7. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Prasik *alias* Ranjit Uttam Kamble be released on bail in connection with C. R. No.234 of 2023 registered with the Parvati Police Station, District - Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Chunabhatti Police Station, Mumbai on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial. The Police Inspector of Chunabhatti Police Station, Mumbai to communicate details thereof to the Investigating Officer.

(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 such a person

from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

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

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

8. The Bail Application is disposed of accordingly.

9. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]