



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.247 OF 2023**

Ravi Uday Singh
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Ravishankar Dwivedi with Mr. Sainath S. Baji for Applicant.
Mr. Tanveer Khan, APP for State.
PSI Kiran Gangurde, Versova Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 27 MARCH 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.133 of 2022 registered with Versova Police Station for the offences punishable under Sections 302, 141, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860.
3. At the outset, learned Counsel for the applicant invited attention of the Court to an order dated 22 January 2024 whereby co-accused Alam Karim Shaikh was released on bail. Learned Counsel further submitted that in the said order, this Court has noted that, in fact, the applicant had sustained injuries and a cross FIR was lodged against the deceased and his associates.
4. I have perused the allegations in the FIR. Prima facie, it appears that the applicant was not armed with any weapon. The role attributed to the applicant was that of assaulting the deceased by means of fist blows. While releasing the co-accused

Alam on bail, this Court had, inter alia, observed as under :

“5. The learned counsel for the applicant submitted that the role attributed to the accused is that of alleged assault by means of fist and kick blows. In fact the deceased and the injured had raked up the quarrel. The deceased and the injured had assaulted the accused. A cross FIR bearing C.R. No. 134 of 2022 was registered against the deceased and the injured. Ravi Singh had sustained grievous injuries on account of assault perpetrated by the deceased and the injured. Attention of the Court was invited to the copy of the FIR and the injury report of Ravi Singh.

6. A perusal of the postmortem report indicates that the deceased died on account of shock due to craniocerebral injury with multiple blunt injuries over the body. Medical officer further opined that the injuries sustained by the deceased were possible on account of assault by bamboo stick and wooden plank and those were sufficient in the ordinary course of nature to cause death.

7. It is pertinent to note that the applicant was not armed with any weapon. Secondly, it appears that the altercation ensued with both Safarul Shaikh and Ravi Singh as the deceased had demanded money from them and they refused and the deceased abused and assaulted them.

8. It prima facie appears that two groups of persons were antagonized with the aforesaid conduct of the deceased. Few members of both the groups were armed with sticks and wooden planks. In the circumstances, the question as to whether the applicant can be roped in by invoking section 149 of the Penal Code would warrant adjudication.

9. In any event, the applicant was unarmed. The medical officer has opined that the injuries caused by wooden stick and plank might have resulted in the death of the deceased. The applicant is in the custody since 19th March, 2022. The trial, in the backdrop of the nature of the accusation and the number of accused involved, may take time. Further detention of the applicant does not seem to be warranted. Hence, I am inclined to release the applicant on bail.”

5. The aforesaid reasons which weighed with this Court to release Alam on bail apply with equal force to the claim of the applicant.
6. Learned APP fairly submits that the principle of parity applies.
7. I am, therefore, inclined to exercise the discretion in favour of the applicant.
8. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Ravi Uday Singh be released on bail in C.R.No.133 of 2022 registered with Versova Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (iii) The applicant shall mark his presence before Versova Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) 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.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)