

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

BAIL APPLICATION NO. 386 OF 2024

Rohan *alias* Jivan Vilas Ovhal

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Harshwardhan Pawar i/b. Mr. Milind Pawar, for the Applicant.

Mr. S. S. Kaushik, APP, for the Respondent – State.

Mr. Sanjay Chaganrao Sunnase, PSI, Rajgad Police Station, Pune(Rural), present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 04.04.2024

P. C.

1. Heard Mr. Pawar, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-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.	266 of 2022
2. Date of registration of F.I.R.	18.07.2022
3. Name of Police Station	Rajgad, Pune (Rural)
4. Section/s invoked	143, 147, 148, 149, 307, 323, 324, 341, 504 & 506 of I.P.C., 1860
5. Date of incident	17.07.2022
6. Date of arrest	18.07.2022
7. Date of filing of Charge-sheet	26.12.2022

3. As per the prosecution case, the incident in question has

occurred due to some dispute over parking of two-wheeler of the injured. As per the prosecution case, there are eye-witnesses to the incident. There are in all six accused persons, out of which three are juvenile. As per the prosecution case, two Accused have used a koyta, and one has used a chopper and the present Applicant has used an iron bar.

4. Mr. Pawar, learned Counsel for the Applicant submitted that the Applicant is a 20 years old college going student. The Applicant is a friend of the other accused persons. Therefore, he has been arraigned as an accused in this case. He submitted that there is no recovery of weapon at the instance of the present Applicant. He submitted that there is no corresponding injury which will relate to the alleged weapon used by the Applicant. He submitted that the Applicant is not involved in the crime and he has been falsely implicated. He further submitted that as the Applicant is a young person, he may be granted bail by imposing stringent conditions. There are no antecedents.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State vehemently opposed the Bail Application. She submitted that the injured has been mercilessly assaulted by the Accused. Therefore, bail application may be rejected.

6. A perusal of the record shows that the date of incident in question is 17.07.2022. The Applicant was arrested on 18.07.2022. Charge-sheet was filed on 26.12.2022. There is no progress in the trial and even charge is also not framed yet. As per the Charge-sheet,

there are in all 20 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

7. The Applicant is a young student aged 22 years.
8. The Applicant does not have any criminal antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

(a) The Applicant - Rohan *alias* Jivan Vilas Ovhal be released on bail in connection with C. R. No.266 of 2022 registered with the Rajgad Police Station, Pune (Rural) on his furnishing P R. Bond of Rs.15,000/- 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 Rajgad Police Station, Pune (Rural) once in a week on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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.

12. The Bail Application is disposed of accordingly.

13. 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.]