



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.618 OF 2024

Rekhanlal Lali Saket

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b. Ms. Saili N. Dhuru, Advocates for the Applicant.

Ms. Megha Bajoria, APP for the Respondent-State.

Mr. Khadke, A.P.I., N.R.I. Sagari Police Station-Navi Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 13th FEBRUARY 2024

PC:-

1. Heard Mr. Patil, learned Counsel appearing for the Applicant and Ms. Bajoria, learned APP appearing 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.	1 of 2024
2.	Date of Registration of F.I.R.	01/01/2024

3.	Name of Police Station	N.R.I. Sagari Police Station, Navi Mumbai
4.	Section/s invoked	307, 353, 332, 341, 143, 145, 147, 149 of the I.P.C., 1860. 37(1) & 37(3) r/w. 135 of the Maharashtra Police Act, 1951.
5.	Date of incident	01/01/2024
6.	Date of arrest	02/01/2024

3. As per the prosecution case, the Applicant and about 40 persons (“Accused”) tried to block the road illegally and when the Police personnel tried to take requisite action for clearing the blockade on the said road, the Accused persons assaulted the Police personnel.

4. Mr. Patil, learned Counsel appearing for the Applicant submitted that all Accused persons are truck drivers and that they were protesting against the proposed provisions under the *Bharatiya Nyaya Sanhita, 2023* and especially Section 106 thereof under which stringent penalty and punishment has been prescribed regarding the motor vehicle driver’s failure to fulfil their obligations including reporting an accident immediately to the Police authorities and taking the injured/victims to the hospital. He

submitted that agitation was made all over India. He submitted that even as per the prosecution case, sticks were used and stones were pelted and the injuries are simple in nature. The Applicant is behind bar since 2nd January 2024. The Applicant is a truck driver and is the sole earning member of his family. There are no criminal antecedents against the Applicant. About 25 Accused having similar role as that of the Applicant, have been released on bail by the learned Trial Court.

5. On the other hand, Ms. Bajoria, learned APP strongly opposed the Application. She submitted that about 40 persons blocked the road and therefore Police personnel were taking requisite action for clearing the said blockade and that a mob of 40 persons attacked the Police personnel. She therefore submitted that this is not a fit case for granting bail.

6. Perusal of the record shows that this is a case where the Applicant is incarcerated since 2nd January 2024. Investigation is almost complete and learned APP states that Charge-sheet will be filed in the next week. The factual position on record shows that as an agitation by truck drivers was in progress, the road was blocked

and that the incident has occurred at the time when the Police were taking requisite action for clearing the said blockade. As per the prosecution case, the Applicant had used a stick and injuries are simple in nature. It is an admitted position that investigation is completed and that Charge-sheet will be filed soon. The trial may take a long time to conclude.

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

ORDER

- (a) The Applicant-Rekhanlal Lali Saket be released on bail in connection with C. R. No.1 of 2024 registered with the N.R.I. Sagari Police Station, Navi Mumbai on his furnishing P. R. Bond of Rs.15,000/- with cash bail 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 N.R.I. Sagari Police Station, Navi Mumbai once in a week on the first Sunday between 11.00 a.m. and 1.00 p.m. till filing of Charge-sheet.
- (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 witnesses 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.

11. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]