

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

BAIL APPLICATION NO.1198 OF 2024

Shyam Ganesh Rathod

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Meghashyam Kocharekar, Advocate, for the Applicant.

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

Ms. Sushma C. Patil, API-Panvel Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 22.03.2024

P. C.

1. Heard Mr. Kocharekar, learned Counsel for the Applicant and Mr. Malshe, 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.	81 of 2024
2.	Date of registration of F.I.R.	17.02.2024
3.	Name of Police Station	Panvel City - District-Raigad
4.	Section/s invoked	143, 147, 148, 326, 504, 506 r/w. 149 of the I.P.C., 1860
5.	Date of incident	17.02.2024
6.	Date of arrest	17.02.2024

3. There are in all four accused persons. One of the Accused involved in the offence in question is a juvenile. As per the prosecution case, a scuffle occurred on 07.02.2024 between the Informant and the said juvenile. On 17.02.2024, when the Informant

was returning to his house from his college, the said juvenile along with other four persons, came in a vehicle and one of them assaulted the Informant with a sharp weapon, wooden rod, and kicks and fist blows. The cousin brother of the Informant also tried to stop the quarrel and rescue the Informant but he was also assaulted by the Accused. Accused Nos.1 to 3 were arrested on 17.02.2024.

4. Mr. Kocharekar, learned Counsel for the Applicant submitted that there is no specific role attributed to the Applicant. He submitted the Applicant's name is not mentioned even in the F.I.R.. He submitted that the Applicant is a young man aged 23 years. He submitted that there is an other offence, being C.R. No.191 of 2022 registered under Section 379 r/w. 34 of the *Indian penal Code, 1860* ("IPC") registered with the Kamothe Police Station, Navi Mumbai. He submitted that the Applicant was granted bail in the said C.R.. He pointed out the Injury Certificate and submitted that all the injuries are simple in nature.

5. On the other hand, Mr. Malshe, learned APP for the Respondent – State vehemently opposed the Bail Application. He submitted that the offence is question is very serious. The Applicant, other co-Accused alongwith the juvenile assaulted the Informant with a sharp weapon, wooden stick, and kicks and fist blows. Therefore, the Bail Application of the Applicant may be rejected. Apart from that there are antecedent as set out hereinabove.

6. Perusal of the record shows that the incident in question

occurred on 17.02.2024. The Applicant was arrested on 17.02.2024.

The Injury Certificate shows that the injuries are simple in nature.

7. The Applicant is a young person of 23 years.
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 - Shyam Ganesh Rathod be released on bail in connection with C.R. No.81 of 2024 registered with the Panvel City Police Station, Taluka-Panvel, District-Raigad 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 Panvel City Police Station, Taluka- Panvel, District- Raigad once a week, on the 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.

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 merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]