

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

**BAIL APPLICATION NO.1199 OF 2024**

1. Rajesh Namdev Barad  
2. Sandesh Sunil Kamble .Applicants

*Versus*

The State of Maharashtra .Respondent

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Mr. Meghashyam Kocharekar, Advocate, for the Applicants.  
Mr. Sameer M. Mangaonkar, APP, for the Respondent – State.  
Ms. Sushma C. Patil, API-Panvel Police Station, present.

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**CORAM: MADHAV J. JAMDAR, J.  
DATE: 22.03.2024**

**P. C.**

1. Heard Mr. Kocharekar, learned Counsel for the Applicants and Mr. Mangaonkar, 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 Applicants submitted that there is no specific role attributed to the Applicants. He submitted the Applicants' name is not mentioned even in the F.I.R.. He submitted that the Applicants are young men aged 30 years and 25 years, respectively. He submitted that as far as Applicant No. 1 is concerned, there are other offences being C.R. No.191 of 2019 registered for the offences punishable under Sections 326 r/w. 34 of the *Indian penal Code, 1860* ("IPC"), C.R. No.84 of 2018 registered for the offences punishable under Sections 326, 323, 504, and 506 r/w. 34 of the IPC, C.R. No.125 of 2017 registered for the offences punishable under Sections 325, 324, 323, 504, 506, and 506(II) of the IPC registered with the Kamothe Police Station. He submitted that as far as the Applicant No. 2 is concerned, there is one offence, being C.R. No.149 of 2017 registered for the offences punishable under Sections 376, 323, 504, and 506 of the IPC and under Sections 3, 4, 7, and 8 of the *Protection of Children from Sexual Offences Act, 2012*

("POCSO") registered with the Kamothe Police Station, Navi Mumbai registered against him. He submitted that the Applicants were granted bail in all the aforesaid C.R.s. He pointed out the Injury Certificate and submitted that all the injuries are simple in nature.

5. On the other hand, Mr. Mangaonkar, learned APP for the Respondent – State vehemently opposed the Bail Application. He submitted that the offence in question is very serious. The Applicants, 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 Applicants may be rejected. Apart from that there are antecedents as set out hereinabove.

6. Perusal of the record shows that the incident in question occurred on 17.02.2024. The Applicants were arrested on 17.02.2024. The Injury Certificate shows that the injuries are simple in nature.

7. The Applicants are young persons.

8. The Applicants do not appear to be at risk of flight.

9. Accordingly, the Applicants can be enlarged on bail by imposing conditions.

10. In view thereof, the following order:-

### **ORDER**

(a) The Applicants - Rajesh Namdev Barad and Sandesh Sunil Kamble 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 their furnishing P.R. Bond of Rs.25,000/- each with one or two local solvent sureties each in the like amount.

(b) On being released on bail, the Applicants shall furnish their cell phone numbers and residential addresses to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicants shall report to the Panvel City Police Station, Taluka- Panvel, District- Raigad once a week, on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

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

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

(g) The Applicants shall surrender their passports, if any, to the Investigating Officer.

11. The Bail Applications are 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.]**