

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1516 OF 2024

Yash Subramanyam Swami	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Dilip Shinde i/b. Mr. Mukund S. Mone, Advocates, for the Applicant.
 Mr. Prasanna P. Malshe, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 19th APRIL 2024

PC:-

1. Heard Mr. Shinde, 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.	260 of 2022
2.	Date of registration of F.I.R.	05/10/2022
3.	Name of Police Station	Upnagar Police Station, Nashik City
4.	Section/s invoked	302, 143, 147, 148, 149, 323, 504 of the I.P.C., 1860

5.	Date of incident	04/10/2022
6.	Date of arrest	05/10/2022
7.	Date of filing of Charge-sheet	22/12/2022

3. There are total 3 Accused and 4 are children in conflict with law. As per the prosecution case, the Informant, 3 Accused and 4 children in conflict with law were playing 'Dandiya' at the 'Chhatrapati Shivaji Maharaj Kala Krida Sanskrutik Mandal', behind Pal Dhaba, Nashik. During the said Dandiya, one of these persons pushed one Aniket Shinde by mistake and therefore, heated arguments took place between them. At around 10.30 p.m., the said Dandiya got over. There was further escalation of the said quarrel and in the said quarrel, the Applicant and other Accused and 4 children in conflict with law assaulted the deceased with kicks and fist blows. At the same time, a child in conflict with law assaulted the deceased with a knife and the deceased succumbed to the resultant injuries.

4. Mr. Shinde, learned Counsel for the Applicant submitted that Applicant's name is not mentioned in the F.I.R. and in any case, the Applicant's role is that he had assaulted the deceased at the most

with kicks and fist blows. He submitted that there are no criminal antecedents against the Applicant.

5. On the other hand, Mr. Malshe, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the Applicant has been identified in the Test Identification Parade. He submitted that there are total 7 Accused persons involved in the offence, out of which, 4 are children in conflict with law.

6. Perusal of the record shows that in the present case, the incident in question occurred on 4th October 2022, F.I.R. was lodged on 5th October 2022, the Applicant was arrested on 5th October 2022 and, Charge-sheet was filed on 22nd December 2022. Till date there is no progress in the trial. As per the Charge-sheet, there are 27 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The Applicant is a young man aged 21 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 – Yash Subramanyam Swami be released on bail in connection with C.R. No.260 of 2022 registered with the Upnagar Police Station, Nashik 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 Upnagar Police Station, Nashik on the first Sunday of every month

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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]