

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1549 OF 2024**

Rahul Ramdas Pithekar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Aniket Vagal a/w Mr. Divesh Mehani, Mr. Kunal N. Pednekar, Savvy Kolhekar, for the Applicant.
Mr. Sameer M. Mangaonkar, APP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23 APRIL 2024

P. C.

1. Heard Mr. Vagal, learned Counsel for the Applicant 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.	231 of 2021
2.	Date of registration of F.I.R.	29/07/2021
3.	Name of Police Station	Ambad, District-Nashik
4.	Section/s invoked	302, 141, 143, 147, 148, 149, 269, 270 of <i>Indian Penal Code, 1860</i> ; 51 of the <i>Disaster Management Act, 2005</i> .
5.	Date of incident	28/07/2021 between 09.00 p.m. & 09.45 p.m.
6.	Date of arrest	29/07/2021
7.	Date of filing Charge-sheet	17/10/2021

3. As per the prosecution case, the deceased along with his friends, was having dinner in an eatery called 'Sonali Mutton Bhakari'. At that time, Accused No.1 - Anil Dashrath Pithekar was also in the said eatery asking the deceased and his friends whether anything is required and at that time, the deceased questioned him whether he was the Manager of the eatery. Therefore, there was some altercation between the Applicant and deceased. After the deceased and his friends finished their dinner, they came outside the eatery and at that time, again an altercation took place between the deceased, Accused No.1, and other Accused. All the Accused assaulted the deceased with fist blows, tiles, stones, and an iron chair.

4. Mr. Vagal, learned Counsel for the Applicant submitted that the incident in question occurred on the spur of the moment and that there was no pre-planning. He submitted that at the relevant time, the Applicant was about 21 years old. He submitted that although the test identification parade has been conducted and six eye-witnesses have identified the Applicant yet no role is attributed to the Accused.

5. On the other hand, Mr. Mangaonkar, learned A.P.P. opposed the Bail Application. He submitted that the Applicant had assaulted the deceased on a vital part of the body i.e. on the head with an iron chair. He submitted that six eye-witnesses have identified the Accused.

6. Perusal of the record shows that the incident in question took place on 28th July 2021 between 9.00 p.m. to 9.45 p.m. The Applicant was arrested on 29th July 2021 and Charge-sheet was filed on 17th October 2021. Till date, there is no progress in the trial. As per the prosecution case, 20 witnesses are proposed to be examined. Therefore, the trial is not likely to conclude within a short time and will take a considerably long time.
7. The Applicant is a young person aged 23 years. Although six persons have identified the Applicant, yet no specific role is assigned to the Applicant.
8. The Applicant does not appear to be at risk of flight.
9. The Applicant does not have any criminal antecedents.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Rahul Ramdas Pithekar be released on bail in connection with C.R. No.231 of 2021 registered with the Ambad Police Station, District-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 Ambad Police Station, District- Nashik 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 prosecution 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]