

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

BAIL APPLICATION NO. 1684 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.04.25
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Suraj Ramashish Chaurasiya

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Santosh Dubey, for the Applicant.

Mr. Tanveer Khan, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 19th APRIL, 2024

PC:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant, who is arraigned in CR No.399 of 2023 registered with Rabale MIDC Police Station, Navi Mumbai, for the offences punishable under Sections 307, 326, 325, 324, 323, 504, 506, 143, 144, 145, 146, 147, 148 and 149 of the Indian Penal Code, 1860 ("the Penal Code") and Section 4 read with Section 25 of the Arms Act, 1959, has preferred this application to enlarge him on bail.

3. On 9th December, 2023, there was an altercation between Nikhil, the son of Babu Shinge, and Shahurukh,

who were residing in the neighborhood of Akshay Sonkamble, the first informant. On 10th December, 2023 at about 7.30 p.m. the first informant noticed that Shahrukh and his friends Vinod Kamble, Babu Kamble, Aakash Chaurasiya, Naushad and Ganesh Kamble and others were assaulting Babu Shinge by fist and kick blows. The first informant went to the rescue of Babu Shinge. Thereupon Suraj, the applicant, Ramashish Chaurasiya and others started to beat the first informant by means of an iron rod. Deepak Chaurasiya and Babu Kamble assaulted the first informant by means of sword, on the head. As the first informant and others raised alarm, the applicant and co-accused fled away.

4. The learned Counsel for the applicant submitted that the applicant has been falsely roped in. Babu Shinge had not at all named the applicant as one of the members of the alleged unlawful assembly. In fact, in respect of the very same occurrence, a member of the accused party, namely, Umesh Kamble had lodged FIR bearing No.400 of 2023 for the offences punishable under Sections 143, 147, 326, 324, 323, 148 and 149 of the Penal Code and Section 4 read with Section 25 of the Arms Act, 1959. The first informant had

sustained a simple injury. Therefore, the applicant deserves to be enlarged on bail.

5. I have perused the material on record. *Prima facie* it appears that the role of assault by means of sword has been attributed to co-accused Deepak Chaurasiya and Babu Kamble. It does not appear that the first informant and the injured had sustained injuries attributable to the assault perpetrated by the applicant. In any event, it appears that in respect of the one and the same occurrence, two versions were reported leading to registration of a case and cross case. In the circumstance of the case, the questions as to which of the party was the aggressor and whether the applicant was also animated by the common object to commit murder of the first informant and the injured, would warrant adjudication at the trial.

6. Investigation is complete. Charge-sheet has been lodged. The applicant appears to be a 19 year old boy. I am, therefore, inclined to release the applicant on bail.

7. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant Suraj Ramashish Chaurasiya be released

on bail CR No.399 of 2023 registered with Rabale MIDC Police Station, Navi Mumbai, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (iii) The applicant shall mark his presence at the Rabale MIDC Police Station between 10.00 am. to 12.00 noon for the period of three years or till conclusion of the trial, whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution evidence. 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 him from disclosing the facts to Court or any police officer.
- (v) On being released on bail, the applicant shall furnish their contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the

purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

[N. J. JAMADAR, J.]