

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1966 OF 2024

Rajkumar Angad Vaidya & Anr	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Meghshyam Kocharekar, for the Applicant.
Mr. R.M. Pethe, APP, for the Respondent-State.
B Pawar, API, Borivali Police Station.

CORAM : N. J. JAMADAR, J.

DATE : 3rd May, 2024

P.C.:

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

2. The applicants who are arraigned in C.R. No. 220 of 2024 registered with Borivali police station for the offences punishable under Sections 353, 332, 308, 504, 506, 323, 324, 143, 145, 149, 160, of Indian Penal Code 1860, read with Section 37(1) and 135 of the Maharashtra Police Act, 1951, have preferred this application to enlarge them on bail.

3. The indictment against the applicant and the co-accused is that on 24th March 2024 on the occasion of Holi, the applicant and co-accused formed an unlawful assembly, and in the prosecution of the common object of the unlawful assembly committed offences of rioting and attempt to commit culpable homicide. The first informant Shridhar Bachhav, upon being apprised about the said

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quarrel, went to the spot behind the Pranay Nagar Cooperative Housing Society and tried to pacify the rival groups. Thereupon, the applicant and co-accused allegedly used criminal force to the first informant and prevented him from discharging his official duties. In the process, few of the buttons of the shirt which the first informant was wearing were uprooted.

4. The learned Counsel for the applicant submitted that no specific role has been attributed to the applicants. Nor was there any attempt to use criminal force to the public servant so as to discharge him from performing his official duties.

5. From the perusal of the allegations in the FIR, it appears that two factions were involved in a commotion over celebrating Holi. No specific role has been attributed to the applicant. It appears that the investigation is practically complete. Further detention of the applicants does not seem to be warranted.

6. I am, therefore, inclined to exercise discretion in favour of applicant.

7. Hence the following order.

:O R D E R:

(i) The application stands allowed.

(ii) The applicants be released on bail in C.R. No. 220 of

2024 registered with Borivali police station for the offences punishable under Sections 353, 332, 308, 504, 506, 323, 324, 143, 145, 149, 160, of Indian Penal Code 1860, read with Section 37(1) and 135 of the Maharashtra Police Act, 1951, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the learned trial Court.

(iii) The applicants shall mark their presence at Borivali Police Station on the first Monday of every month between 10.00 am to 12.00 noon for a period of two years or till conclusion of trial, whichever is earlier.

(iv) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the trial court shall not be

influenced by any of the observations made
hereinabove.

(N. J. JAMADAR, J.)