

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2550 OF 2023

Sarang Rangnath Mali	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Akshay Bankapur, Advocate, for the Applicant.
 Ms. S. S. Kaushik, APP, for the Respondent-State.
 Mr. R. B. Patil, P.S.I., Wadivarhe Police Station, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 24th APRIL 2024

PC:-

1. Heard Mr. Bankapur, learned Counsel for the Applicant and Ms. Kaushik, 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.	166 of 2022
2.	Date of registration of F.I.R.	03/11/2022
3.	Name of Police Station	Wadivarhe, District-Nashik
4.	Section/s invoked	307, 504, 506 r/w. 34 of the Indian Penal Code, 1860.
5.	Date of incident	02/11/2022

6.	Date of arrest	03/11/2022
7.	Date of filing of Charge-sheet	31/01/2023

3. As per the prosecution case, there are total four Accused persons in this case. The Police personnel were keeping a watch to prevent illegal activities regarding prohibition cases. At the relevant time, Police Hawaldar Yogesh Patil was in civil dress. He found that some altercation was going on between two groups of people and therefore he went there for enquiring what is the matter about and at that time, the Applicant asked him who is he to question and therefore, the Applicant assaulted the injured Police Constable Yogesh Patil with a koyta. Another co-Accused assaulted the injured with an iron rod.

4. Mr. Bankapur, learned Counsel for the Applicant submitted that there are total 4 Accused persons out of which 3 have been released on bail. He submitted that the incident in question occurred on the spur of the moment and that there was no premeditation. He submitted that Accused No.2-Tushar Bagde who is having the same role has been granted bail. He submitted that the Applicant is incarcerated since 3rd November 2022 and till date

there is no progress in the trial. Therefore, he submitted that the Applicant be released on bail.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She pointed out the injury certificate and submitted that the injured person suffered grievous injuries. She submitted that there are 2 antecedents against the Applicant, which are as follows:

Sr. No.	C.R. No.	Police Station	Sections
1	131/2022	Wadivarhe	4 and 5 of the Arms Act, 1951
2	131/2022	Wadivarhe	447, 448, 427, 504, 506 r/w. 34 of the Indian Penal Code, 1860; 4 and 5 of the Arms Act, 1951

6. Perusal of the record shows that in the present case, the incident in question occurred on 2nd November 2022, F.I.R. was lodged on 3rd November 2022, the Applicant was arrested on 3rd November 2022 and, Charge-sheet was filed on 31st January 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 30 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. *Prima facie*, there is substance in the contention raised by Mr. Bankapur, learned Counsel for the Applicant that the incident in question took place on the spur of the moment.

8. Accused No.2-Tushar Bagde having same role as that of the Applicant has been released on bail and therefore, parity is applicable.

9. Although there are 2 antecedents, both the offences are bailable.

10. The Applicant is a young man aged 23 years.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

- (a) The Applicant – Sarang Rangnath Mali be released on bail in connection with C.R. No.166 of 2022 registered with the Wadivarhe 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 Wadivarhe Police Station, District – Nashik once a week i.e. 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 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.

14. The Bail Application is disposed of accordingly.

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

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[MADHAV J. JAMDAR, J.]