

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3787 OF 2023**

Rahul Ramesh Shinde

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Shubhangi Parulekar, for the Applicant.

Mr. Shriram S. Chaudhari, APP, for the Respondent-State.

Mr. Kailas Madhavrao Kendre (B.No. 3018), Junnar Police Station,
present.

CORAM: MADHAV J. JAMDAR, J.

DATED: MARCH 14, 2024

P.C.:

1. Heard Ms. Parulekar, learned Counsel for the Applicant and Mr. Chaudhari, 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.	134 of 2023
2	Date of registration of F.I.R.	23/04/2023
3	Name of Police Station	Junnar, District-Pune
4	Section/s invoked in F.I.R.	307, 323, 143, 147, 148, 149, 427, 504 & 506 of the <i>I.P.C., 1860</i>
5	Date of incident	18/04/2023
6	Date of arrest	24/04/2023
7	Date of filing Charge-sheet	July 2023
8	Section/s invoked in Charge-sheet	302, 143, 147, 148, 149, 427, 504 & 506 of the <i>I.P.C., 1860</i>

3. As per the prosecution case, the Informant-Sitaram Vitthal Supe and the deceased-Jijaram Ramdas Supe were travelling on a motorcycle from Village-Ambe Hatvij towards Village-Ghatghar. On 18th April 2023 at about 08.45 p.m. when they were travelling through Village-Sonawale, their motorcycle accidentally collided with the Applicant-Rahul Ramesh Shinde. The Applicant was walking with his friends i.e. two other Accused and two juveniles. In view of the said accident, it is the case of the prosecution that all the Accused assaulted the deceased with kicks and fist blows and with a wooden stick. As the deceased was injured, some villagers took him to the Government Hospital, Ingalun. All the Accused also came to the said Hospital and threatened the deceased that the doctors should be told that the injuries are a result of the said road accident and that nothing should be told about the assault in question. Accordingly, initially the history given to the doctors was that the injuries were a result of the said road accident. The accident in question took place on 18th April 2023. The deceased succumbed to the resultant injuries on 24th April 2023 and the F.I.R. was lodged on 23rd April 2023. Initially, the F.I.R. was lodged under Section 307 of the *Indian penal code, 1860* (“IPC”) and other Sections of the IPC and, thereafter, Section 302 of IPC was applied.

4. Ms. Parulekar, learned Counsel submitted that the incident in question has taken place on the spur of the moment as the Informant

and the deceased were travelling on a motorcycle and collided with the Applicant and therefore the Applicant along with two other Accused and two juveniles assaulted the deceased with kicks and fist blows and with a wooden stick. She submitted that there are no antecedents against the Applicant. She submitted that although the Accused and the Informant are not known to each other, still the Test-Identification Parade is not conducted. She submitted that there is no recovery at the instance of the Applicant. She submitted that in fact, the Applicant was also injured in the accident.

5. On the other hand, Mr. Chaudhari, learned APP strongly opposed the bail Application. He submitted that although the incident took place on the spur of the moment, the Informant and the deceased were travelling on a motorcycle and their motorcycle collided with the Applicant. However, the Accused and two juveniles mercilessly assaulted the deceased. The first Informant also assaulted by fist blows. He submitted that they pressurised the Informant and the deceased to provide false information to the medical officials in the hospital. He pointed out the statement of the Informant-Sitaram Vitthal Supe on the basis of which, the F.I.R. dated 23rd April 2023 was lodged and he also pointed the supplementary statement dated 28th April 2023. He therefore submitted that if the Applicant is released on bail, he will attempt to tamper with the prosecution evidence and therefore he

submitted that the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 18th April 2023. The F.I.R. was lodged on 23rd April 2023 and the Charge-sheet was filed in July 2023. Till date, there is no further progress in the trial and even the charge is also not framed yet.

7. *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that the incident in question took place on the spur of the moment and that there was no motive. The incident occurred suddenly in the heat of the moment.

8. Learned Counsel for the Applicant also submitted that the Applicant is a young man aged 23 years and that he is a college student and therefore lengthy incarceration will hamper his career.

9. It is an admitted position that investigation has been completed and Charge-sheet has been filed in July 2023. As per the Charge-sheet, there are about 20 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

10. The Applicant does not have any criminal antecedents.

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-Rahul Ramesh Shinde be released on bail in connection with C.R. No.134 of **2023** registered with the Junnar Police Station, District-Pune on his furnishing P.R. Bond of Rs.20,000/- with one or two solvent local 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 Junnar Police Station, District-Pune once in a month i.e. 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.
14. The Bail Application is disposed of accordingly.
15. It is clarified that the observations made herein are *prima facie*,

and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]

Note: This order is modified by Speaking to the Minutes order dated 25th April 2024.

The correction is shown in bold in paragraph No.13(a).