

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

CRIMINAL BAIL APPLICATION. NO. 843 OF 2024

Balraj@kisan Mani Devendra ...Applicant
Versus
State OF Maharashtra ...Respondent

Mr. Rahul Arote, (Through VC) Advocate for the Applicant.

Mr. A. A. Naik, APP for the Respondent – State.

PSI S. A. Pawar, Juhu Police Station Present.

CORAM : N. J. JAMADAR, J.
DATE : 22nd JULY 2024.

PC.:

1. Heard the learned Counsel for the Applicant and the learned APP for Respondent-State.
2. This is an application for bail in C.R. No. 143 of 2023 registered with Juhu Police Station for the offences punishable under Sections 307, 326, 323, 504, 506, 147, 148 and 149 of the Indian Penal Code, 1860.
3. On the night intervening 19th and 20th February, 2023 at about 2.30 am Parmesh Devendra (the first informant) was on his way home along with cousin, Kuppa Devendra. When they reached near Laxmi Chawl, Nehru Nagar, Vileparle (w), Mumbai, the applicant and co-

accused Satish, Suraj and Selvaraj @ Abu were having drinks on the road. Co-accused Satish called the first informant's cousin, Kuppa. An altercation ensued between Satish and Kuppa. Satish caught hold of Kuppa and started to drag him towards Satish's home. Satish exhorted a child in conflict with law to bring the weapon to eliminate the first informant and Kuppa. The child in conflict with law and co-accused Suraj returned armed with a scythe. Initially, Satish and Suraj gave blows by means of the scythe on the head of Kuppa. When Shital, the wife of Kuppa, came thereat, Satish gave a blow by means of the scythe on the hand of Shital. Geeta, a sister of Satish also joined the assailants, and assaulted Shital. The applicant and the co-accused took the injured Kuppa towards Pujari chawl and assaulted him by means of fist and kick blows. Siddique, the brother of Kuppa tried to intervene. He was also assaulted by means of the scythe. Siddique sustained an injury on his thigh. The first informant called the police, thereupon the applicant and the co-accused fled away.

4. The learned Counsel for the applicant submitted that the applicant came to be arrested on 20th February 2023. Investigation is complete for all intent and purpose. Charge-sheet has already been lodged, in May 2023. Therefore, at this stage, further detention of the

applicant is not warranted.

5. The learned APP resisted the prayer for bail. Attention of the Court was invited to the injury certificate of the injured Kuppa Devendra which indicates that the injured had sustained grievous injuries.

6. I have perused the allegations in the FIR and the material on record. Prima facie it appears that the role of assault by means of weapon has not been attributed to the applicant. The applicant had allegedly assaulted the injured Kuppa Devendra by means of fist and kick blows. In these circumstances the question as to whether the applicant was also animated by the common object of the unlawful assembly would be a matter for adjudication at the trial.

7. The applicant has been in custody for more than one year. Investigation is complete and charge-sheet has been lodged. It is unlikely that trial can be concluded within a reasonable period. I am, therefore, inclined to exercise discretion in favour of the applicant. Hence, the following order:-

ORDER

- (i) Application stands allowed.

(ii) The applicant be released on bail in C.R. No.143 of 2023 registered with Juhu Police Station, on furnishing a P.R. Bond of Rs.30,000/- with one or more sureties in the like amount.

(iii) The applicant shall mark his presence at Juhu Police Station on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) The applicant shall furnish his 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.

(viii) Application disposed.

(N. J. JAMADAR, J.)