

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

BAIL APPLICATION NO. 1590 OF 2024

SATISH
RAMCHANDRA
SANGAR

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SANGAR

Date: 2024.07.20
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Nikhil Arun Koli

...Applicant

vs.

The State of Maharashtra & Anr.

...Respondents

Mr.Sanjeev P.Kadam a/w.Ms. Varsha M. Thorat i/b. Mr. Dilip Shinde a/w. Mr. Mohan C. Kumbhar :-	Advocates for Applicant.
Ms. S. E. Phad :-	APP for Respondent No.1 -State
Mr. Satish Borulkar i/b. Mr. Dinesh W. Bhosale :-	Advocate for Respondent No.2.

CORAM : S. M. MODAK, J.

DATE : 15th JULY 2024

P. C. :-

- 1.** Heard learned Advocate Mr.Kadam for the Applicant, learned APP and learned Advocate Mr.Borulkar for the first informant.
- 2.** Earlier Bail Application No.4031 of 2023 was withdrawn and liberty was granted to apply after three (3) months as per order dated

19th December 2023. He is one of the accused in offence registered with Kalwa Police Station in C.R.No.448 of 2022 under Sections 307, 323, 341, 504, 506 of Indian Penal Code and under Section 37(1), 135 of the Bombay Police Act. The incident took place on 13th September 2022 at about 10:30 a.m., near Priyanka Hotel, Kharegaon. The name of the injured is Vaibhav. There are two incidents. One is minor incident that took place at about 9:30 a.m., when Viraj – son of first informant was beaten by Kaustubh Ture. The said Kaustubh Ture called the injured Vaibhav. The first informant went to spot. His son Viraj has informed that the accused Kaustubh and present Applicant Nikhil have obstructed him and the injured Vaibhav. Said Kaustubh and present Applicant Nikhil were beaten by Viraj and Vaibhav with fist and blows. At that time accused Kaustubh has handed over the knife to the present Applicant and also instigated him. Applicant assaulted Vaibhav on various parts of body and injured him. Son Viraj and Vaibhav were initially admitted in Pramila Hospital, Kalwa. Vaibhav was shifted in Jupiter Hospital, Thane.

3. My attention is invited to the statement of Vaibhav recorded on 2nd October 2022. The learned APP has invited my attention to the

Injury Certificate of Vaibhav and the length of knife seized. Whereas Mr. Borulkar also invited my attention to the serious injuries received by Vaibhav and it is recorded in the certificate issued by Dr. Alaspurkar dated 26th April 2024. He also invited my attention to the earlier offence registered against the Applicant Nikhil under Section 324, 323, 504 and 506 r/w. Section 34 IPC whereas learned APP invited my attention to few non-cognizable complaints list against the bail out accused. (Page 128 and 130).

4. Whereas according to Mr. Kadam there are variances in the facts stated in the FIR and statement of Vaibhav and he claims that the Applicant is behind the bar for three (3) years. He undertakes to stay out of Thane district through out the trial.

5. It is true that injuries are serious and they are life threatening. It is also true that knife seized is a deadly weapon. It is also true those materials discloses *prima facie* involvement of this Applicant in the crime and it is corroborated by recovery of knife at his instance. It is also true that for the offence under Section 307 IPC punishment is life imprisonment.

6. There are two aspects :

- (i) Possibility of conclusion of trial and
- (ii) Apprehension in the mind of witnesses.

7. It is settled law that detention is not by way of pre-trial conviction. Even though *prima facie* there are materials against the Applicant, I am inclined to grant bail to the accused because the trial is likely to commence. He can be asked to furnish heavy surety with strict conditions. Hence order :-

ORDER

- (i) Applicant be released on bail in connection with offence registered with Kalwa Police Station in C. R. No.448 of 2022 under Sections 307, 323, 341, 504, 506 of Indian Penal Code and under Section 37(1), 135 of the Bombay Police Act on furnishing Personal Bond and Surety Bond of Rs.1,00,000/- (Rupees One Lakh only).
- (ii) Applicant not to threaten prosecution witnesses.
- (iii) Applicant to stay out of Thane District including Navi Mumbai Municipal Corporation Limits throughout entire trial.
- (iv) Applicant is directed to give his alternate place of residence to the Police and Court.
- (v) Applicant is directed to enter the Thane District

only for the purpose of attending trial.

(vi) Applicant to attend the trial Court punctually.

8. If any of the above condition is breached, his bail is liable to be cancelled after notice.

9. Accordingly, the Bail Application stands disposed of.

[S. M. MODAK, J.]