

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

BAIL APPLICATION NO. 1676 OF 2024

Rohan Ahinsak Sonawane	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Nitin Sejpal a/w Akshata Desai, Siddharth Gharat and Sahir Patel for the Applicant.

Ms. Tanveer G. Khan, APP for Respondent-State.

PSI – J. B. Kadam, Tilak Nagar Police Station, Mumbai.

**CORAM: MANISH PITALE, J.
DATE : 3rd SEPTEMBER 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is seeking bail in connection with FIR No. 221 of 2020 dated 24th July 2020 registered at Tilak Nagar Police Station, Mumbai, for offence under Section 307 read with 34 of the Indian Penal Code, 1860 (IPC), Sections 4, 25 and 27 of the Indian Arms Act, 1878 and Sections 37(1)(A) and 135 of the Bombay Police Act, 1951.

3. The applicant was arrested on 25th July 2020 and he has remained behind bars since then.

4. The learned counsel for the applicant relies upon orders

passed in favour of identically situated co-accused persons, as they were granted bail on the sole consideration of long incarceration and there being no possibility of the trial being concluded within a reasonable period of time. In that connection, attention of this Court is invited to order dated 12th March 2024 passed in Bail Application No. 2142 of 2023 passed by this Court (Coram: M. S. Karnik, J.) in the case of co-accused Amir Ansar Shaikh and order dated 10th April 2024 passed in Bail Application No. 2142 of 2023 by this Court (Coram: M. S. Karnik, J.) in favour of co-accused Harsh Dharampal Chaurasiya. It is submitted that by the said orders, this Court enlarged the co-accused persons on bail, as they had undergone incarceration for about 3 and ½ years. In the present case, the applicant has undergone incarceration for 4 years and 1 month.

5. The learned APP submits that the period of incarceration undergone by the applicant cannot be disputed, but at the same time, it ought not to be ignored that the victim was brutally assaulted by the applicant, along with the co-accused persons, by using dangerous weapons i.e. swords. The injury was caused on the vital part of the body, which has left the victim handicapped for the rest of his life.

6. This Court has considered the material on record. The seriousness of the offence cannot be denied. But, it also cannot be ignored that the aforementioned two co-accused persons have been ascribed the same role as has been ascribed to the present

applicant. The allegation is that the applicant and the aforesaid two accused persons assaulted the victim by means of swords. The weapons of assault were recovered at the behest of the said co-accused persons and the present applicant.

7. Yet, the said orders passed in favour of co-accused persons Amir Ansar Shaikh and Harsh Dharampal Chaurasiya, show that despite the aforementioned factors, on the ground of long incarceration of about 3 and ½ years with remote possibility of the trial being completed within a reasonable period of time, the said co-accused persons were enlarged on bail. In the present case, since the applicant was arrested on 25th July 2020, he has undergone incarceration for little more i.e. 4 years and 1 month. In that sense, the present applicant has suffered longer period of incarceration. The aforesaid factor of long incarceration with remote possibility of the trial being completed within a reasonable period of time, has been taken into consideration by the Supreme Court and this Court in various cases. It has been laid down in the case of *Union of India v/s. K. A. Najeeb*, AIR 2021 SC 712 and subsequent judgments of the Supreme Court that Constitutional Courts ought to take into consideration the aforesaid factors, while disposing of bail applications.

8. In the present case, charge was already framed on 6th November 2023, but not a single witness has been examined. The charge-sheet shows that 28 witnesses have been cited, thereby indicating that the possibility of the trial being completed within a

reasonable period of time is remote.

9. In view of the above, the application is allowed in the following terms :

- (a) The applicant shall be released on bail in connection with FIR No.221 of 2020 dated 24th July 2020 registered at Tilak Nagar Police Station, Mumbai, on furnishing P.R. Bond of ₹ 25,000/- and one or two sureties in the like amount.
- (b) The applicant shall report to the nearest Police Station close to his residence while staying outside Mumbai/ Mumbai Suburban, Palghar and Thane district, once in a week i.e. every Sunday between 11:00 a.m. and 1:00 p.m., till the trial concludes.
- (c) 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (d) On being released on bail, 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.

- (e) Except for attending the trial in this case, the applicant shall not enter the area of Mumbai/Mumbai Suburban, Palghar and Thane district after being released on bail, till the trial concludes.
- (f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (g) It is also open for the witnesses to make an appropriate application for witness protection to the competent authority/appropriate Court which application shall be considered on its own merits and in accordance with law.
- (h) If it is found that the applicant has violated any of the conditions, liberty to the prosecution to apply for cancellation of this bail.

10. The application is disposed of.

MANISH PITALE, J.