

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1819 OF 2024

Santosh Ramprasad Harijan

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Prashant Pandey a/w Mr. Dinesh Jadhvani, Rahul Sinkas and Mr. Pramod Shaina i/b W3 Legal LLP, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent – State.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.11.30
10:56:24 +0530

CORAM : MANISH PITALE, J.

DATE : 29th NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Pandey, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent-State.

2. The applicant was arrested on 17th July, 2021 in connection with First Information Report No.532 of 2021, registered at Police Station N.M. Joshi Marg, Mumbai, for offence under Section 302 read with Section 34 of the Indian Penal Code, 1860 (IPC), and also for offences under the provisions of the Arms Act, and the Maharashtra Police Act.

3. There are two accused persons and the allegation is that the applicant allegedly held the victim, while the co-accused person assaulted the victim by means of a knife.

4. The applicant has remained behind bars since 17th July, 2021,

thereby indicating that he has suffered incarceration for about 3 years and 4 months.

5. It is brought to the notice of this Court that co-accused person, who can be said to have had a major role in the present incident, was granted bail by the Sessions Court by order dated 24th November, 2021, on the ground that he suffers from severe intellectual disability. It is submitted that the only role attributed to applicant was that he allegedly held the victim while it is the case of the applicant that he was merely a passerby, who happened to be at the Pan shop owned by the co-accused person.

6. The learned APP has opposed the present application, submitting that the statements of the witnesses recorded during the course of investigation do indicate the active role of the applicant in the present case.

7. This Court has considered the material on record in the light of the rival submissions. It is an admitted position that the main accused person i.e. the person who actually assaulted the victim by means of a knife has been already enlarged on bail. The only role attributed to the applicant was that he allegedly held the victim. It is an admitted position that the weapon of assault has been already recovered at the behest of the co-accused person. Investigation was completed and the charge-sheet was filed, while charge is yet to be framed.

8. The charge-sheet shows that as many as 35 witnesses proposed to be examined by the prosecution in the present case. The applicant has already remained in judicial custody for about 3 years and 4 months. Therefore, this Court is inclined to allow the present application.

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.32 of 2021, registered at Police Station N.M. Joshi Marg, Mumbai, on furnishing P.R. Bond of ₹ 25,000/- with one or two sureties in the, to the satisfaction of the Trial Court.
- B) The applicant shall cooperate with the Trial Court for expeditious disposal of the trial. He shall attend the proceedings before the Trial Court on each and every date, except when exempted for reasons to be recorded in writing.
- C) The applicant shall furnish the details of his active mobile numbers and his address to the Investigating Officer and the Trial Court within two weeks of being released on bail.
- D) The applicant shall not influence the witnesses or any

other persons concerned with the present case, during the pendency of the trial.

10. In the event the applicant granted bail, violates any of the conditions recorded hereinabove, the bail granted to her would be liable to be cancelled.

11. It is made clear that the observations made hereinabove in the present order are limited to disposing of the present bail application. The Trial Court shall proceed on merits in the present case without being influenced by the observations made hereinabove.

12. The application is disposed of.

(MANISH PITALE, J.)