

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

**CRIMINAL BAIL APPLICATION NO. 1907 OF 2024
WITH
INTERIM APPLICATION NO. 2417 OF 2024**

Rajaram Alisa Raju Bhimaji Apsunde ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Mandar Goswami, Advocate for Applicant in BA.

Mr. Akshay Bankapur, Advocate for Applicant in IA.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. S. E. Netavare, Dindori Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 7th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure, the Applicant is seeking bail in Crime No.599 of 2023, registered with Dindori Police Station, District: Nashik (Rural) for the offences punishable under Sections 307, 341 and 201 r/w 34 of Indian Penal Code (for short 'IPC') and Sections 4 r/w 25 of Arms Act, 1959.

3) This Court granted bail to one of the co-accused Santosh @ Nandu Shankar Salve in Bail Application No. 2288 of 2024 on 23rd July, 2024, by making following observations:-

“7. Having considered the injury certificate, discharge card of the hospital and other material available on record, it is evident that while admitting in the hospital, it was recorded that attack was made by the unknown persons on the complainant by using weapons namely iron rod, sickle. Similar entry can be found in the discharge summary. In the discharge summary there is mentioned that five unknown persons assaulted the complainant using iron rod and sickle. It is further important to note that there is a request made by the Applicant on 30th November, 2023 for discharging him for lodging a criminal report with the Police. However, despite the same, why such report was not lodged, no explanation has come forth.

8. In the circumstance, naming the Accused person first time after about ten days in the FIR creates doubt about the veracity of the prosecution story. Moreover, since the Applicant was arrested on 4th December, 2023 and since then he is in jail. In the circumstances, I am of the opinion that the further custody of the Applicant is not necessary. Accordingly, the application is allowed.”

4) In the circumstances, since the principles of parity will apply to the applicant, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.599 of 2023, registered with Dindori Police Station, District: Nashik (Rural) for the offences punishable under Sections 307, 341 and 201 r/w 34 of IPC and Sections 4 r/w 25 of Arms Act, 1959, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii. The Applicant shall not enter within the territorial jurisdiction of Dindori Police Station, District : Nashik (Rural) till conclusion of trial except for attending trial;
- iv. The Applicant shall provide his address as well as the name of the near by Police Station to the Investigating Officer which he shall attend on 1st and 16th day of each month between 10:00 am to 11:00 am till conclusion of trial except for attending trial;
- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed off, accordingly.
- ix. In view of above, interim application also stands disposed off.

[ANIL S. KILOR, J.]