



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2575 OF 2024**

Jitendra Paresh Kanjaria ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Pradeep Singh with Mr. Ravindra Nagarkoti, for Applicant.
Mr. H.J.Dedhia, APP for State.
API Sohan Peche, Dahisar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 7 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.26 of 2022 registered with Dahidar Police Station for the offences punishable under Sections 120B, 452, 307, 387, 143, 144, 146, 147, 148, 149, 323, 324, 427, 504, 506(2) read with Section 34 of the Indian Penal Code and Sections 4 read with 25 of the Arms Act, 1959 and Sections 37(1)(A), 135 and 142 of the Maharashtra Police Act.
3. At the outset, learned Counsel for the Applicant submitted that the principal accused have been released on bail by this Court by various orders. The applicant has simply been arraigned as one of the members of the unlawful assembly without attributing any specific role. Attention of the Court was invited to the order dated 20 December 2023 passed by this Court

whereby co-accused Anand Shivram Dhangar, Jatin Bhoir and Panesh Bhoir were released on bail. Thereafter, by orders dated 9 January 2024 and 17 January 2024, co-accused Nadeem Shamim Khan and Manish Babu Peddi, respectively, were released on bail. Learned Counsel, thus, submitted that, at this length of time, the custodial interrogation of the applicant is not warranted.

4. Learned APP resisted the prayer for pre-arrest bail.

5. I have perused the allegations in the FIR and the material on record. The gravamen of indictment against the applicant and co-accused is that on 14 January 2022, Ratan Ravi Pradhan @ Macchi, who habitually indulges in crimes, along with his associates, including the applicant, barged into the office of the first informant at Rodrigues Compound. Co-accused Ratan attempted to extort a sum of Rs.10,000/- by giving threat to cause hurt to the first informant by pointing knife and broken beer bottle. Co-accused Ratan and the other members of the said unlawful assembly ransacked the office of the first informant and when the first informant attempted to flee away, the members of the unlawful assembly assaulted him. A lady Sudiksha Kankamol was also assaulted. .

6. I have perused the above-noted orders passed by this Court, whereby co-accused have been enlarged on bail. It is true, the applicant has been named as a member of the unlawful assembly. However, no role of either

extortion or causing hurt to the first informant or victim has been attributed to the applicant. Undoubtedly, since the alleged offences were committed in prosecution of the common object of the unlawful assembly, of which the applicant was allegedly a member, absence of overt act is not decisive. Yet, having regard to the nature of the allegations and the material pressed into service, the question as to whether the applicant was also animated by the common object of the unlawful assembly or the applicant knew that the offences, with which he has been charged, were likely to be committed in prosecution of the common object of the unlawful assembly, may warrant adjudication at the trial.

7. By a series of orders, this Court has released a number of co-accused on bail. Agreed, the parameters for grant of regular bail and the pre-arrest bail differ. Yet, in the totality of the circumstances, and, having regard to the time that has elapsed, at this length of time, the custodial interrogation of the applicant does not seem warranted to facilitate further investigation. The Court is not informed that the applicant has antecedents.

8. I am, therefore, inclined to exercise discretion in favour of the applicant.

ORDER

(i) The Application stands allowed.

(ii) In the event of the arrest of the Applicant – Jitendra Paresh Kanjaria in connection with C.R.No.26 of 2022 registered with Dahisar Police

Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(iii) The Applicant shall co-operate with the investigation and report to the Dahisar Police Station as and when directed.

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

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

Application disposed.

(N.J.JAMADAR, J.)