

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

CRIMINAL APPEAL NO.119 OF 2025

Bablu Rajendra Vaniyar Appellant

V/s.

State of Maharashtra & Anr. Respondents

Mr.C.G. Jadhav, for the Appellant.

Mr.Pankaj P. Jadhav, APP, for Respondent-State.

Mr.Ankur Pahade, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th MARCH 2025

P.C:-

. The Appellant is apprehending arrest, in connection with investigation of Crime No.445 of 2022 registered with Bangur Nagar Police Station, Mumbai for the offences punishable under Sections 302, 324, 323, 504, 506(2) read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and under Sections 25 read with Section 3(2)(5)(6) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act' for short).

2. It is prosecution's case that, on 29th May 2022 deceased Rupesh had harassed the daughter of accused No.1 Rajendra Vaniyar and sister of the Appellant. It is alleged that, thereafter the Appellant and co-accused accosted the deceased and assaulted him by knife. It is alleged that, the Appellant assaulted deceased with fist and kick blows.

3. It is contention of the learned counsel for the Appellant that, the Appellant is behind bar more than 3 years. Yet charge has not been framed against him. The allegations against the Appellant's are that, he assaulted the deceased with fist and kick blows. The main allegations are against Accused No.1. At the time of the incident, the Appellant was 21 years old. It may take time to conclude the trial and requested to allow the Appeal.

4. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellant and co-accused assaulted the deceased with sharp weapon. They had intention to kill the deceased. The Appellant had taken knife from Accused No.1 and hid it. It shows active involvement of the Appellant in

the crime. If Appellant released on bail, he may threaten the prosecution witnesses and he may abscond.

5. The learned counsel for the Respondent No.2 submitted that, due to non-cooperation of the present Appellant and Accused No.1 charge's have not been framed against them. Hence, requested to dismiss the Appeal.

6. I have heard all learned counsel. Perused charge-sheet and impugned order.

7. The allegations against the Appellant are that, he assaulted the deceased with fist and kick blows. The main allegations are against the Accused No.1 that he assaulted the deceased with knife. The knife used in the crime is recovered at the instance of the Appellant. The statement of the witnesses shows that, the Appellant assaulted the deceased with fist and kick blows. At the time of the incident the Appellant was 21 years old.

8. Considering these facts, further detention of the Appellant is not required, it may take time to conclude the trial and I pass following order.

ORDER

- (i) The Appeal is allowed.
- (ii) The Appellant-Bablu Rajendra Vaniyar be released on bail in Crime No.445 of 2022 registered with Bangur Nagar Police Station, Mumbai, on executing a P.R. Bond in the sum of Rs.30,000/-with one or two sureties in the like amount.
- (iii) The Appellant shall attend the concerned Police Station as and when required.
- (iv) The Appellant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.
- (v) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)