

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1178 OF 2024
WITH
INTERIM APPLICATION NO.2043 OF 2025

Ajay Nayabrav Parkhe ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Ms. Sakshee P. Chavan for the applicant (appointed through Legal Aid).

Mr. Sagar R. Agarkar, APP for the respondent-State.

Mr. Tukaram V. Mengal, PSI, Aarey Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 1, 2025

P.C.:

1. This is an application for bail filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking his release on regular bail in connection with Crime No. 527 of 2021 registered at Aarey Colony Police Station for alleged commission of offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, and under Sections 37(1)(A) and 135 of the Maharashtra Police Act.

2. The case of the prosecution, in brief, is that on 3rd November 2021, at about 11:00 p.m., when the informant stepped

out of his house and was washing his hands, at that time, the applicant, along with another co-accused, allegedly attacked him. It is alleged that the applicant assaulted the informant with a knife on his neck and also stabbed him on the left side of his ribs. Due to this assault, the informant sustained one grievous and one simple injury.

3. The applicant came to be arrested on 4th November 2021 and since then has been in custody. It is further informed that the investigation is complete, and charge-sheet has been filed. Charges have also been framed against the applicant. The prosecution has cited 14 witnesses to be examined at the time of trial.

4. Learned counsel appearing for the applicant submitted that the injuries sustained by the informant, though unfortunate, do not prima facie indicate that the applicant had any intention or knowledge to cause death, which is a necessary ingredient for attracting offence under Section 307 of IPC. It is further submitted that the applicant has been in custody since 4th November 2021, and despite the fact that charges are framed, considering the number of witnesses cited, the possibility of early conclusion of trial is remote. It is also pointed out that the applicant has no criminal antecedents to his discredit. On these grounds, learned counsel prayed that the applicant be released on regular bail with appropriate conditions.

5. On the other hand, learned APP appearing for the State strongly opposed the application. He submitted that the allegations made against the applicant are serious in nature. The assault

described by the informant indicates that the applicant used a deadly weapon (knife) and targeted vital parts of the body such as the neck and ribs. Therefore, according to the prosecution, the act of the applicant fulfills the ingredients of Section 307 of IPC and hence, no leniency should be shown at this stage.

6. I have carefully considered the submissions made on behalf of the applicant and the prosecution. I have also perused the First Information Report, the medical papers, and other material placed on record.

7. It is not in dispute that the applicant has been in custody since 4th November 2021. The investigation is complete, the charge-sheet has been filed, and charges have also been framed. The prosecution has proposed to examine 14 witnesses. In these circumstances, it appears that the trial may take considerable time to conclude.

8. So far as the nature of the injury is concerned, the medical report indicates that there is one simple injury and one grievous injury. Though the prosecution has invoked Section 307 of the Indian Penal Code, whether the act of the applicant was done with such intention or knowledge as is required to cause death, will be a matter of trial and evidence. At this stage, this Court is not expected to record any conclusive finding on that aspect.

9. It is also brought to the notice of the Court that the applicant has no past criminal antecedents. There is no material on record to suggest that he may abscond or tamper with the evidence or influence the prosecution witnesses, if released on bail.

10. Considering the totality of the circumstances, including the period of custody undergone, the stage of the trial, the nature of the injuries, and absence of any antecedents, this Court is of the opinion that the applicant has made out a case for grant of bail.

11. Hence, following order:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with First Information Report No.527 of 2021 registered with Aarey Colony Police Station for alleged offences under Section 307, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 and Sections 37(1)(A) and 135 of the Maharashtra Police Act, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report Aarey Colony Police Station on first Monday of every month between 11.00 a.m. and 1.00 p.m.;
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness;
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause;
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission;

- e) The applicant shall not indulge in any criminal activity during the pendency of the trial;
 - f) The applicant shall not involve himself in any similar offence during the pendency of the trial; and
 - g) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.
- 12.** The bail application is allowed and disposed of.
- 13.** In view of this order, the interim application does not survive and the same stands disposed of as infructuous.

(AMIT BORKAR, J.)