

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2479 OF 2024

Siddhant Raju Navayneet @Baba .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Ramanik Pawar i/b Ms. Samiksha Pawar, Ms. Arti Bajpai, Ms. Trupti Jambulekar and Mr. Samadhan Mahamulhar, Advocates for Applicant.
- Mr. Sukanta A. Karmakar, APP for State.
- PSI – S.R. Avhad, Tilak Nagar Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 25, 2025

P. C.:

1. Heard Mr. Pawar, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Applicant - accused has filed the present Application for grant of regular bail in connection with Crime No. 215 of 2020 registered with Tilak Nagar Police Station, Mumbai for offences punishable under Sections 302, 143, 145, 146, 147, 148, 149, 323, 324, 504, 506(2) r/w 34 of the Indian Penal Code, 1860 and under Sections 4, 25 and 27 of the Arms Act, 1959 and under Section 37(1) (a) and 135 of the Maharashtra Police Act, 1951.

3. Applicant is arrayed as Accused No.2 in the present crime. He is in incarceration for the past 4 years 8 months and 7 days. Date

of incident is 17.07.2020 and Applicant is arrested on the following day i.e. on 18.07.2020. Out of 5 Accused, Accused Nos. 3 to 5 have been granted bail.

4. The precise role of the Applicant is stated by the First Informant in his statement recorded on 18.07.2020 which is appended at page No.30 of the Application. He has stated that Applicant injured one of his friend called Siddhant Dethe on his back and on his left forearm by a knife. Insofar as role attributed to the Applicant is concerned, statement of Siddhant Dethe is appended at page No.70 of the Application which corroborates with the statement of the First Informant of he having been injured by a knife on his back and his left forearm. The injury certificate of injured Siddhant Dethe is appended at page No.121 which when seen *prima facie* records that 5 to 10 unknown persons assaulted him with a sharp object like weapon without naming the Applicant and in respect of the injuries suffered by him it is seen that he has received three injuries which are described as abrasions on his forearm and back.

5. Mr. Pawar, learned Advocate for Applicant would persuade the Court to consider the reason for occurrence of the incident and in that regard would persuade me to read the statement of the First Informant at page No.13 alongwith the statement of eye witness at page No.75. On perusing the same it is *prima facie* seen that

incident occurred due to a precursor incident on the date of the crime at the night. The accused persons alongwith their friends were attending Haldi Ceremony of one of their common friends called Anil Mhaske in Ghatalgav, Chembur. After the culmination of the Haldi ceremony on 10:45 pm First Informant and his friends assembled at a particular location on P.L. Lokhande Marg near Nagwadi Zopadpatti for smoking cigarettes. At that time, present Applicant alongwith his friends including the Accused No.1 came on the spot and asked them not to smoke cigarettes and ask them to leave that place. At that time a verbal altercation ensued between the two groups which was initially tried to be pacified by the brother of deceased as both the groups were known to each. However, the said verbal altercation escalated to a scuffle and then to a free fight between the two groups, resultantly the deceased victim was grievously assaulted by a sword by Accused No.1. Insofar as present Applicant who is arrayed as Accused No.2 is concerned, his role is delineated hereinabove.

6. What impels me to consider the Application of the Applicant is his long incarceration for the past 4 years 8 months and 7 days pending trial.

7. Learned APP Mr. Karmkar in his usual fairness has vehemently opposed grant of bail to the Applicant. He would submit that considering the role of the Applicant it cannot be ruled out that

Applicant along with his accomplices and co-accused persons have premeditated the assault on the victim and his friends. He would submit that this is a case of Section 302 resulting in death of a person and therefore the role of the Applicant cannot be treated in isolation to that of the others. The incident occurred on the road in a public place and various statements of the eye witnesses to the incident have been recorded, which *prima facie* depict the role and the manner in which the assault was carried out by the Accused persons. Considering the gravity of the crime he would persuade the Court not to grant bail to the Applicant. On the issue of trial being prolonged due to the 3 accused persons released on bail, he would place before the Court the details of proclamations that have been issued to arrest said 3 accused persons so that once they are arrested the trial would commence.

8. I have heard learned Advocate for Applicant and learned APP and with their able assistance perused the record of the case. *Prima facie* it is seen from Roznama which has been placed by Mr. Pawar that total number of 116 days the matter has been listed before the Court since 07.12.2020, out of which matter was heard only on 3 occasions. Be that as it may, the reason given by learned APP that it is only on account of the conduct of Accused Nos. 3, 4 and 5 due to which trial has been stalled and protracted cannot be countenanced by the Court for the purpose of considering the present bail Application.

Neither from the record of the case it is *prima facie* observed by the Court that there was any premeditation or attack and assault on the deceased victim that was planned by the Accused persons.

9. Considering the role attributed to the present Applicant as per the prosecution case which has been delineated hereinabove while recording the facts of the case and the long incarceration of Applicant in jail pending trial and the fact that the trial would not commence and be completed in the near foreseeable future, Applicant is directed to be released on bail.

10. Hence, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- (ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 01.00 p.m.

to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

11. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

12. Bail Application is allowed and disposed.

PR. Rajput

[MILIND N. JADHAV, J.]