

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2522 OF 2024

Chirag Santosh Gaikwad	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Rajas Naik for the applicant.

Mrs. Mahalaxmi Ganapathy, APP for the State.

Mr. R.P. Mavale, PSI, Ambernath Police Station, is present.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2025

P.C.:

1. This is a bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 237 of 2023 registered with Ambernath Police Station, for offences punishable under Sections 307, 324, 504, 506(2) read with 34 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, on the date of the incident, the applicant along with other co-accused persons allegedly abused the family members of the informant. Thereafter, they are stated to have proceeded towards the informant and assaulted him with weapons such as wooden rods and iron rod. It

is the case of the prosecution that due to such assault, the informant and his uncle sustained bleeding injuries.

3. The specific role attributed to the present applicant and one co-accused Prathamesh is that of jointly assaulting the informant on his chest and right palm by using a wooden rod. However, the injury certificate placed on record reflects that the informant also suffered an injury on the head caused by an iron rod. The prosecution has further stated that the assault on the head was caused by another co-accused Bhola, using a shock-absorber (shock-upser). It is an undisputed position that said co-accused Bhola has already been released on bail.

4. The learned APP has opposed the bail application and submitted that the applicant has criminal antecedents. It is also pointed out that the applicant had been subjected to an externment order, whereby he was restrained from entering certain areas including Mumbai, Thane, Raigad, Karjat, and Panvel, and that the present offence was committed during the subsistence of that externment order.

5. Upon perusal of the papers of investigation, including the injury certificate, and having regard to the fact that the specific role attributed to the present applicant is limited to assault on chest and palm, and not the injury to the head, and further taking into consideration that the co-accused Bhola, who is alleged to have caused the head injury, has been already released on bail, in the interest of parity and on the principle of equal treatment, the applicant also deserves to be released on bail. No recovery is

shown to have been effected at the instance of the present applicant.

6. However, the contention of the prosecution regarding the violation of the externment order by the applicant cannot be lightly brushed aside. Breach of such prohibitory order is a separate offence under the Bombay Police Act, and the Competent Authority is at liberty to initiate appropriate action in accordance with law. Such breach, however, cannot be a ground to deny regular bail in the present crime when the applicant has made out a case otherwise for his release.

7. Considering the facts and circumstances above, in my opinion, the applicant deserves to be released on bail. Hence, following order:

: ORDER :

(i) The bail application is hereby allowed.

(ii) The applicant is directed to be released on regular bail in connection with Crime Register No.237 of 2023 registered with Ambernath Police Station for offences punishable under Sections 307, 324, 504, 506(2) and 34 of the Indian Penal Code, 1860, on his executing a personal bond in the sum of ₹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 to Ambernath Police Station on the first Monday of every month between 10:00 a.m. and

12:00 noon, until further orders.

b) The applicant shall not tamper with the evidence or attempt to contact or influence any witness, directly or indirectly.

c) The applicant shall appear before the Trial Court on every date of hearing, unless prevented by a sufficient and valid 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) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

8. The bail application accordingly disposed of in the above terms. No costs.

(AMIT BORKAR, J.)