

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2791 OF 2024

Ravindra Balkrushna Talvatkar

Applicant

.. (Accused No. 5)

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Ajay Bhise a/w Ms. Deepali Kedar for Applicant
- Mr. Dinesh J. Haldankar, APP for Statement
- Mr. Atul Sonavane, PI a/w Mr. Sopan Kadam, PSI, Dongri Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 10, 2025

P. C.:

1. Heard Mr. Bhise, learned Advocate for Applicant and Mr. Haldankar, learned APP for State.

2. Applicant - accused No. 5 has filed the present Application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 (for short, "**Cr.P.C.**") in connection with Crime No. 17/2021 registered with Dongri Police Station, Mumbai under Sections 302, 143, 144, 147 & 149 of the Indian Penal Code, 1860 (for short, "**IPC**").

3. The incident in question occurred on 20.01.2021 when accused No. 1 - Manohar approached the deceased victim - Vishal Paril and asked him to return the money which he had borrowed from the said accused No.1. There was a verbal altercation between the two of

them which is *prima facie* endorsed by the various statements appended at page No. 43 onwards to the Application. The said verbal altercation escalated to a scuffle between the two wherein the deceased victim Vishal slapped accused No. 1. At that time, other 4 accused persons who were friends of accused No. 1 Manohar arrived at the incident spot. The witnesses who witnessed the verbal altercation, the slapping of Accused No.1 and the scuffle have stated that there was a heavy exchange of verbal abuses between the deceased victim and accused No. 1 but because of arrival and intervention of the four accused persons i.e. accused Nos. 2 to 5 at the spot, the incident escalated to such an extent that with the aid and assistance of accused Nos. 2 to 5, the victim was brutally assaulted. Role of accused persons in this regard is also clearly etched out by the witness statements. Though the first information report is filed by the police officer on receipt of specific information from a social worker in the area who had apparently witnessed the incident from a distance, the said social worker-witness has recorded two statements which are appended at page Nos. 46 and 48 of the Application. Reliance is placed by prosecution upon the CCTV footage of the incident which is appended at page No. 70 as the CCTV footage panchnama. *Prima facie*, if the CCTV footage panchnama is perused and juxtaposed with the witness statements in so far as the present Applicant is concerned,

the role attributed to him is of beating the victim with kick blows only. That apart, there is a reference to the Applicant attempting to carry or shift a wooden plank; however the sequitur of this act is neither stated by any of the witnesses nor it is evident from the CCTV footage either.

4. Applicant has been in incarceration since 20.01.2021 and as of today he has undergone a period of detention for 4 years 1 month & 19 days.

5. Considering that the prosecution intends to examine 30 probable witnesses as stated in the chargesheet and the uncertainty of the trial being completed in the near foreseeable future as well as taking into account the *prima facie* observations regarding the role of the Applicant as delineated hereinabove, the cause of death of the victim due to hemorrhage and shock resulting from multiple injuries on his body, and the role of other co-accused as is reflected in the various witness statements, I am inclined to release the present Applicant on bail. 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. 25,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs. 25,000/- for his release immediately and file

undertaking that he will provide one or two sureties in the like amount of Rs. 25,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

- (iii) 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;
- (iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 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;
- (vi) 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.

6. 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.

7. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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