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

BAIL APPLICATION NO.3813 OF 2024

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Rahul Mehansing Ravat

... Applicant

V/s.

The State of Maharashtra

... Respondent

Ms. Snehal S. Kolamkar for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

Mr. Sopan Kadam, PSI, Dongri Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 19, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime No. 17 of 2021 registered with Dongri Police Station for the offences punishable under Sections 302, 143, 144, 147, and 149 of the Indian Penal Code, 1860.

2. The prosecution case, as gathered from the charge sheet, is that on 20th January 2021, during evening hours, the Dongri Police Station received information that a group of 4 to 5 individuals were seen assaulting a person and that the said individual was lying in an unconscious state at the spot. Upon receipt of this information, the concerned police constable rushed to the location, where he noticed one male person lying

unconscious. One Shagufta Khatib, who was present at the spot, is stated to have identified the injured person as Vishal, and further informed the police that the said Vishal was assaulted by five individuals using wooden bamboo sticks and plastic pipes.

3. The statements of the eyewitnesses recorded during investigation disclose that the altercation appears to have arisen out of a monetary dispute. It is alleged that the assault was a result of non-payment of certain dues, leading to a violent confrontation.

4. The applicant came to be arrested on the very same day, i.e., 20th January 2021. The bail application preferred by the applicant before the learned Sessions Court was rejected. The applicant has, therefore, approached this Court seeking the relief of bail.

5. Learned counsel appearing for the applicant submitted that the role attributed to the present applicant is of assaulting the deceased with a plastic pipe. It is submitted that the applicant has been in custody for a period exceeding 4 years and 6 months, and there has been no substantial progress in trial despite the lapse of such a long period. Learned counsel placed reliance on the bail orders passed by the learned Sessions Court as well as by the Coordinate Bench of this Court in respect of other co-accused, whose role is stated to be that of physical presence and attempt to pick up the wooden bamboo during the incident. She further submitted that the injuries found on the head of the deceased, as recorded in column 17 of the postmortem report, are not of the kind that could have been caused by a plastic pipe. It is thus her contention that the nature of the injuries rules out the possibility

of the applicant having inflicted fatal injuries. The learned counsel pointed out that the final and conclusive medical opinion as regards the exact cause of death is yet to be arrived at. In the aforesaid backdrop, the learned counsel prayed for grant of bail to the applicant.

6. On the other hand, the learned APP vehemently opposed the application and submitted that the applicant cannot claim parity with the co-accused who have been released on bail, since the role attributed to them is materially different. It was submitted that the incident in question was a result of a joint assault, and the fatal injuries sustained by the deceased were caused by the collective action of the accused persons. According to the prosecution, the individual roles of the assailants cannot be completely compartmentalised or isolated from each other in a case involving common object and unlawful assembly. The learned APP further submitted that although initially the prosecution had listed 29 witnesses, the number of witnesses now stands reduced to 12, and the trial is expected to conclude in the near future. Hence, she urged that the present application does not deserve any indulgence.

7. Upon perusal of the charge-sheet, statements of witnesses, and the post-mortem report, this Court finds that the prosecution has attributed the specific role to the applicant of having assaulted the deceased with a plastic pipe. The post-mortem report reflects that the deceased suffered head injuries which are stated to be the cause of death. However, whether such injuries could have been caused by a plastic pipe alone is a matter that will require medical

evidence and is yet to be conclusively established at the stage of trial.

8. It is not the case of the prosecution that the applicant was armed with a deadly weapon such as an iron rod or a sharp-edged instrument. The nature of weapon allegedly used by the applicant, i.e., plastic pipe, and the nature of injuries require further adjudication at trial.

9. It is also not in dispute that the applicant has been in judicial custody since 20th January 2021, i.e., for over four years and six months. Though the offence is grave, and carries the punishment of death or life imprisonment under Section 302 of the IPC, the right to a speedy trial is a constitutional right under Article 21 of the Constitution of India. The prosecution has cited that the number of witnesses now stands reduced to 12. However, even as on date, the trial has not commenced. Inordinate delay in trial can be a valid ground to consider bail, particularly when the accused has undergone substantial period of incarceration as an undertrial.

10. As regards the argument on doctrine of parity, this Court finds that at least some of the co-accused have been granted bail, though their role may be somewhat different. However, once it is shown that the applicant's role is not of a direct fatal blow, and that he has remained in custody for a long period, the claim of parity cannot be rejected outright. The extent of individual participation and mens rea would be established during trial.

11. At this stage, the Court is only required to evaluate prima facie material, the likelihood of the applicant absconding or

tampering with prosecution witnesses, and the gravity of the alleged act. There are no allegations that the applicant has attempted to influence witnesses or obstruct the process of law while in custody. Therefore, considering the totality of facts, including period of custody, nature of weapon attributed to the applicant, stage of trial, and principle of parity, this Court is of the opinion that the applicant has made out a case for grant of bail.

12. Needless to state, this Court is not expressing any opinion on the merits of the case and all observations are *prima facie* in nature for the purpose of deciding this bail application only.

13. Hence, the following order is passed:

- i.** The applicant Rahul Mehansing Ravat is directed to be released on bail in connection with Crime No.17 of 2021 registered with Dongri Police Station for offences punishable under Sections 302, 143, 144, 147 and 149 of the Indian Penal Code, 1860, upon furnishing cash sureties of Rs.25,000/- (Rupees Twenty Five Thousand Only) and executing a Personal Recognizance (P.R.) Bond in the like amount, within a period of six weeks from the date of his release, subject to the following conditions:
- ii.** The applicant shall not tamper with the evidence or attempt to influence any witnesses in any manner.
- iii.** The applicant shall regularly remain present before the Trial Court on every date of hearing, unless prevented by sufficient and justifiable cause.

iv. The applicant shall not leave the territorial jurisdiction of the concerned Trial Court without obtaining prior permission.

v. The applicant shall not commit any offence or indulge in any criminal activity during the pendency of the trial.

(AMIT BORKAR, J.)