

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4685 OF 2024

Vignesh Bainjamin Anthony

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Umesh Kumar, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent No.1 – State.
- Mr. Vikram Chavan, PI - Economic Offences Wing present.
- Mr. Ritesh Patil, PSI - Chunabhatti Police Station present.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2024.

P.C.:

1. Heard Mr. Kumar, learned Advocate for Applicant and Ms. Newton, learned APP for State.

2. Present Bail Application is filed under Section 439 of the Code of Criminal Procedure, 1973 (for short '**Cr.P.C**') seeking regular bail in connection with CR. No.225 of 2024, registered at Chunabhatti Police Station under Sections 307, 504 and 506(2) read with 34 of Indian Penal Code, 1860 (for short '**IPC**') and Section 37(1)(a) of Maharashtra Police Act, 1951.

3. The present Applicant – Vighnesh Bainjamin Anthony is the main accused out of two accused persons arrested on 04.06.2024 in connection with aforesaid offence which took place on 02.06.2024. Applicant is incarcerated for more than 10 months since then. Name

of Applicant is Vignesh. He was 20 years old and a student of SIES College of Commerce and Economics, Sion, Mumbai.

4. According to prosecution case, there is a precursor incident. Vighnesh demanded money from injured victim Ravi Kanojia – his friend. Ravi refused to give him money so Vighnesh slapped and abused him. On 02.06.2024, Ravi Kanojia went to meet Somu Devender near Chunabhatti Railway Station. While returning on his motor cycle (Bullet) Vighnesh and his friend Kunal Rampramanik spotted Ravi Kanojia and grabbed him and had a scuffle. Vighnesh took out a knife and stabbed Ravi Kanojia in the right side of his stomach and seriously injured him. Vighnesh and Kunal both ran away from the incident spot and were arrested on 04.06.2024. Injured Ravi was taken to Hospital and was given medical treatment. Injury suffered is grievous.

5. Mr. Kumar, learned Advocate for Applicant persuaded me to consider the case of Application for bail on the grounds of Applicant being a young offender and studying in SIES College of Commerce and Economics at Sion in Mumbai and he has got himself embroiled in the midst of his studies in the present offence and if he is further incarcerated it will be detrimental to his future life and he will remain cut off from his academic studies. He heavily relies on his academic record.

5.1. One of his submissions is that co-accused Kunal has been granted bail by order dated 16.07.2024. Next submission is reliance on the statement of injured Ravi Kanojia dated 04.06.2024 appended at page No.50-A records that on the date of incident he was assaulted by Applicant due to previous enmity between them. He would draw my attention to page No. 50-C to submit that if the said statement is read it is seen that co-accused had held the injured victim and Applicant had stabbed him. He would request the Court to consider that he has no antecedents.

5.2. In support of his submissions, learned Advocate has placed on record Affidavit dated 26.02.2025 which records the academic studies of the Applicant. He has persuaded me to consider the same and allow the present application in the interest of justice and future life of Applicant being a young offender.

6. *PER-CONTRA*, Ms. Newton, learned APP has opposed Application by arguing that Applicant has committed a grievous offence which could have led to death of injured victim and as such does not deserve pardon. She would submit that statement of witnesses recorded and appended to the Bail Application show the role of Applicant.

6.1. She would submit that the weapon – knife has been recovered. She would rely on the Injury Certificate which reflects

grievous injury and thus qualifying the offence as serious in nature. She would submit that though Applicant is a young student his intention was clear to commit murder of the injured victim and the possibility of him re-offending himself is distinct. Hence the Bail Application be cancelled.

7. I have perused the record and heard learned Advocates at the Bar. It is indeed true that Applicant has committed a grievous act. It is equally true that he was student at the then time. Statement of the injured victim itself shows that there was a previous enmity between them which led to the confrontation on 02.06.2024.

8. It is seen from the record that the Applicant is a young boy aged about 21 years, he has completed the First year of his degree in Bachelor of Commerce – Banking and Insurance from SIES College of Commerce and Economics, Sion in the year 2022 and was poised to appear for his ATKT examination in his Sem-III and Sem-IV this year if he had not been involved in the unsavory event. He is still in contention to appear for the ATKT examination as his exam fees are paid. All his mark-sheets of his academic years have been placed on record before me from SCC onwards and they show that Applicant has secured good marks and good grades all along. Hence the case of the Applicant therefore deserves consideration on this ground also. Notwithstanding the fact that Applicant had used a weapon i.e. knife

in committing the assault. Applicant is having a permanent residence in Mumbai and there is no likelihood of he absconding or re-offending himself especially when he is in the midst of his studies as noted above. If the situation would be considered in a vacuum, the factors having a bearing in the Court's mind would be distinct from what it is now; this is because the Applicant is at the threshold of completing his studies in a good college in Mumbai and halting his education at this stage and subjecting him to further custody makes it highly likely that he would be entangled in the vicious cycle and downward spiral of criminality making him a hardened criminal posing a future perpetual threat to the society. He has suffered incarceration for 10 months already.

9. It needs to be noted that in a case where an offender is undergoing studies, his exclusion from education for a period of time is an added layer of punishment over what a non-student accused may be subjected to. This is because a student undergoing incarceration suffers loss of precious academic time which cannot be bartered for any wealth of the world. He also constantly witnesses his peers moving ahead in life than compared to him, when the frustration becomes insurmountable, such frustration can create an emotion of rebellion, which, coupled with the exposure to criminality in prison, can easily gain traction and contribute to him becoming a hardened criminal.

10. This Court can only make an attempt to positively impact the life of the person before it. It is believed that Applicant, having once gained the confidence of Court, would make sincere attempts to reform and rehabilitate himself. Considering the foregoing, I am of the opinion that Applicant should be given a chance to make an attempt to demonstrate that he has reformed his conduct and is leading a law-abiding life with prospects of making a positive impact on Society.

11. In view of the above observations, Bail Application stands allowed on the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties of the like amount;
- (ii) Applicant shall report to the Investigating Officer of the concerned Police Station, once every month on the first Sunday of every month between 02:00 p.m. to 04:00 p.m. for a period of one year in the first instance and thereafter as and when called by the Investigating Officer;
- (iii) 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;

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

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

(vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(vii) Any infraction of the conditions shall entail prosecution to apply for cancellation of bail granted to the Applicant.

12. It is clarified that the above observations in this order are limited for the purpose of granting bail only and I have not made any observations on the merits of the case and the trial shall proceed uninfluenced by the present order.

13. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay