

VRJ

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

BAIL APPLICATION NO.4791 OF 2024

VAIBHAV
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Vivek Bajrang Dolas

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sachin Thorat with Mr. Prajwal Thorat and Pranav Borgave for the applicant.

Mr. Prasanna P. Malshe, APP for the State.

S. B. Desai, PSI, Pairavi Officer, Bhiwandi City Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 19, 2025

P.C.:

1. This is an application preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973 seeking his release on bail in connection with Crime No.303 of 2024 registered with Bhiwandi City Police Station, Bhiwandi, for offences punishable under Sections 307, 324, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is that on 15th February 2024, there was an altercation between the applicant and the complainant. It is alleged that after exchange of abuses, the applicant along with co-accused persons assaulted the

complainant. The co-accused allegedly started beating the complainant with kicks and fists. The applicant, it is alleged, took out a knife and attempted to assault the complainant on his chest. However, the complainant, having sensed the impending assault, moved away swiftly, resulting in the knife causing an injury to the complainant's left hand near the wrist. After the incident, the applicant and the co-accused persons are stated to have fled from the spot. Based on the complaint lodged by the victim, the present applicant came to be arrested on the same day, i.e., 15th February 2024.

3. The applicant had earlier moved an application for grant of bail before the learned Sessions Court, which came to be rejected. Being aggrieved thereby, the applicant has approached this Court for relief under Section 439 CrPC.

4. Learned advocate appearing for the applicant submitted that even if the allegations as levelled in the FIR are taken at face value, the nature of the injury sustained and the manner in which the alleged incident occurred do not prima facie fulfill the essential ingredients of Section 307 of the IPC. It is submitted that the injury suffered by the complainant is on the wrist and not on any vital part of the body. It is further submitted that there is no medical opinion on record suggesting that the injury was grievous or that it was sufficient in the ordinary course of nature to cause death. The learned counsel further submits that the applicant has been in custody since 15th February 2024, and considering the nature of the offence and the stage of investigation, continued incarceration is not warranted. As regards the antecedents, it is

submitted that the alleged past offence is of the year 2020, and at that point, the applicant was a juvenile aged about 15 years. Hence, reliance on such antecedents to oppose the present application is misplaced.

5. Per contra, the learned APP appearing for the State has opposed the application. She submits that the nature of the weapon used and the attempt made by the applicant to cause injury on the chest clearly reflect his intention to cause death or knowledge that such act was likely to cause death, thereby attracting the provisions of Section 307 of IPC. It is submitted that the applicant acted in concert with co-accused persons and had participated in the assault with a deadly weapon. She further contends that the act of the applicant in using a knife and aiming it towards the chest of the complainant itself is sufficient to infer his intention. Hence, the learned APP prays for rejection of the application.

6. I have considered the rival submissions advanced by the learned counsel appearing for the applicant as well as the learned APP for the State. I have also perused the papers of investigation, including the statement of the complainant, medical documents, and the nature of allegations.

7. It is not in dispute that an altercation did take place between the applicant and the complainant. The incident appears to be one arising out of a sudden quarrel. The injury sustained by the complainant is on the wrist of the left hand and not on any vital part of the body. The medical certificate placed on record does not

suggest that the injury is grievous or that it was sufficient in the ordinary course of nature to cause death. At this stage, therefore, the essential ingredients of Section 307 IPC, particularly the aspect of intention or knowledge to cause death, do not appear to be satisfied in their entirety. Whether the act was aimed at the chest and missed due to the movement of the complainant is a matter that would require evidence during trial.

8. As regards the antecedents, the incident referred by the prosecution is of the year 2020, and the applicant was then a minor aged about 15 years. In such circumstances, that incident, assuming it to be true, cannot be considered as a serious bar to the grant of bail in the present case. It is further not the case of the prosecution that the applicant has misused liberty or tampered with evidence or influenced witnesses in the past.

9. The applicant has been in custody since 15th February 2024, and there is no indication that the trial is likely to conclude in the immediate future. The investigation appears to be complete and charge-sheet has been filed. In such circumstances, further custodial interrogation is not necessary. The offence, though serious, needs to be evaluated in the backdrop of nature of injury, stage of trial, and period of incarceration already undergone.

10. Taking into consideration the overall circumstances of the case, the nature of allegations, the injury sustained, and the period of incarceration, this Court is of the opinion that the applicant has made out a case for grant of bail, subject to stringent conditions to ensure that he does not repeat any such act and does not attempt

to influence witnesses.

11. Hence, the following order is passed.

- i.** The applicant Vivek Bajrang Dolas is directed to be released on bail in connection with Crime No.303 of 2024, registered with Bhiwandi City Police Station, Bhiwandi for offences punishable under sections 307, 324, 323, 504 read with 34 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.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:
- ii.** The applicant shall not tamper with the evidence or attempt to influence any witness.
- iii.** The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- iv.** The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- v.** The applicant shall not indulge in any criminal activity during the pendency of the trial.

(AMIT BORKAR, J.)