

AGK

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

BAIL APPLICATION NO.5030 OF 2024

Pramod Vishnu Rane	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Aniket Nikam i/by Mr. Sumit Patil for the applicant.

Mr. Mayur S. Sonavane, APP for the respondent-State.

Mr. Anil A. Mhaske, PSI, Virar 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.486 of 2023 registered with Virar Police Station for offences punishable under Sections 302, 307, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the incident in question occurred on 14 May 2023. On that day, a quarrel took place between the informant, the deceased, and the accused persons, including the present applicant. Initially, in the statement of the informant recorded on 15 May 2023, the applicant was described as an "unknown person" and was stated to have assaulted the informant by fists and kicks. However, in the supplementary

statement recorded after three days i.e., on 18 May 2023, a specific role has been attributed to the applicant that he assaulted the informant using a knife on the hand and right side of the waist. So far as the deceased is concerned, the role of assault causing death has been specifically attributed to co-accused Rahul Shinde.

3. The applicant had earlier moved an application for bail before the learned Sessions Court after filing of the charge-sheet. However, the said application came to be rejected. The applicant has, therefore, approached this Court by way of the present application.

4. The learned counsel appearing for the applicant has taken me through the relevant material placed on record. It is submitted that in the first statement of the informant recorded under Section 164 of the Code on 15 May 2023, the applicant was not named and was described only as an "unknown person," and the nature of assault described was only fist and kick blows. It is only in the supplementary statement dated 18 May 2023, for the first time, an allegation is made that the applicant used a knife to assault the informant. It is further submitted that the main assault on the deceased, which caused his death, has been attributed to the co-accused Rahul Shinde. It is submitted that the applicant has been in custody since 15 May 2023 and the trial has not yet commenced. It is also pointed out that the applicant has no criminal antecedents to his discredit.

5. On the other hand, the learned APP has opposed the application. It is submitted that the offence alleged against the

applicant is serious in nature. It is further contended that even if the fatal blow on the deceased is attributed to co-accused Rahul, the present applicant can still be held liable by applying Section 34 of the Indian Penal Code, as the incident was a result of a common intention. It is also pointed out that the supplementary statement of the informant clearly attributes a specific role to the applicant, which finds support from the injury certificate, and therefore, the applicant is not entitled to bail.

6. I have considered the rival submissions and perused the material on record. At this stage, it appears that the initial statement of the informant does not name the applicant and does not attribute any weapon-based assault. The first version refers only to a physical assault by fists and kicks by an unknown person. It is only three days later that a supplementary statement was recorded wherein the allegation of knife assault was made against the applicant. Such improvement or change in the version, after a gap of time, will certainly have to be tested at the time of trial. It also appears from the prosecution's case that the fatal assault on the deceased is specifically attributed to co-accused Rahul. The applicant, admittedly, has no criminal antecedents and is in custody since 15 May 2023. Charges have not yet been framed and trial is likely to take considerable time.

7. Considering the facts and circumstances of the case, the nature of the evidence, the period of custody undergone, and the fact that the case as against the applicant is based on statements which have undergone change, I am of the opinion that the applicant deserves to be enlarged on bail, subject to appropriate

conditions to ensure his presence during the trial and to safeguard the interest of justice.

8. On overall consideration of the aforesaid factors, in my opinion, the applicant has made out a case for releasing on regular bail. Hence, following order:

- (a) The bail application is allowed.
- (b) The applicant shall be released on bail in connection with Crime Register No.486 of 2023 registered with Virar Police Station for offences punishable under Sections 302, 307, 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 learned Trial Court.
- (c) The applicant shall attend the Trial Court on every date of hearing, unless specifically exempted by the Court.
- (d) The applicant shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- (f) The applicant shall report to the concerned Police Station on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.

(g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

9. The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)