

AGK

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

BAIL APPLICATION NO.5444 OF 2024

Hitendra @ Hiten Gulbir Thakur	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Amit Singh for the applicant.

Ms. Mahalaxmi Ganapathy, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 11, 2025

P.C.:

1. This is a bail application filed under Section 439 of the Code of Criminal Procedure, 1973, by the applicant seeking his release on bail in connection with FIR No.556 of 2022, registered at Central Police Station, for the alleged commission of offences punishable under Sections 307, 120B, 323, 504, 506, 506(2), 201, and 34 of the Indian Penal Code, along with Sections 37(1) and 135 of the Maharashtra Police Act.

2. The prosecution case, in brief, is that due to previous enmity, the applicant, along with co-accused persons, reached the place where the informant was present. It is alleged that the applicant began abusing the informant and then took out a knife and charged towards him. When the informant attempted to flee, the

applicant and co-accused allegedly chased him and the applicant is stated to have inflicted blows with the knife on the neck and other parts of the informant's body. The informant thereafter lodged a report with the concerned police station, based on which the present FIR was registered.

3. The applicant came to be arrested on 26th April 2024. He had initially moved the Sessions Court seeking bail, which came to be rejected. Hence, the present application has been preferred before this Court.

4. The learned Advocate for the applicant has argued that the applicant has been falsely implicated in the present case. It is submitted that the material on record does not conclusively establish the involvement of the applicant. Learned counsel has pointed out that there are inconsistencies between the version given in the FIR and the CCTV footage relied upon by the prosecution. According to him, the FIR mentions an assault only on the neck, whereas the CCTV transcript mentions injuries on other body parts also. Based on this, it is argued that the footage is unreliable and has not been sourced from an authorized authority, and hence, is not admissible in law. He, therefore, submits that prima facie case is made out for grant of bail.

5. On the other hand, learned APP has strongly opposed the bail application. She has drawn attention to the specific role attributed to the applicant in the FIR, where he is clearly named by the informant. The CCTV footage, according to her, clearly captures the applicant's presence at the scene and the manner in

which the assault was carried out, including targeting the neck, a vital part of the body, which is consistent with the nature of injuries.

6. The learned APP has further relied upon the affidavit-in-reply, which states that the applicant has criminal antecedents, including in Crime No.266 of 2020, where this Hon'ble Court had granted bail on the condition that he shall not enter Ulhasnagar City. However, it is pointed out that the applicant violated the bail condition by entering the said area and committed the present offence. It is further submitted that the applicant remained absconding for a period of 16 months after the crime, which shows his lack of cooperation with the investigation.

7. It is further submitted that there are seven criminal cases registered against the applicant, some of which involve bodily offences of serious nature. These are not stray or isolated allegations, but appear to form part of a pattern, indicating a propensity to commit similar offences, which raises a genuine apprehension that if released, the applicant may again indulge in similar acts endangering public safety.

8. I have carefully gone through the charge-sheet, including the injury certificate of the informant, the CCTV footage transcript, and the factual aspects relating to criminal antecedents, which have been brought on record through the affidavit-in-reply filed by the prosecution. These documents form the basis of the present application and have significant bearing on the nature and gravity of the allegations.

9. On a prima facie perusal of the FIR, it clearly names the applicant and attributes to him a specific and direct role in the incident. It is alleged that the applicant, while armed with a knife, attacked the informant and inflicted injuries on the neck, which is a vital part of the body. The narration of the incident in the FIR is consistent and detailed, and the FIR appears to have been promptly lodged after the incident. The CCTV footage transcript, which forms part of the investigation record, supports the version given in the FIR and corroborates the manner of assault. Furthermore, the presence of two eyewitnesses, who, as per the charge-sheet, have witnessed the incident and have attributed the specific role of knife assault to the applicant, strengthens the prosecution case at this stage.

10. I find considerable merit in the submissions advanced by the learned APP. The record discloses that ten criminal offences are registered against the applicant, three of which involve bodily offences. Such a record reflects a pattern of violent conduct. In addition, the material on record shows that the applicant was granted bail by this Court in a previous case bearing Crime Register No. 266 of 2020, on the specific condition that he shall not enter Ulhasnagar City. However, the applicant is alleged to have violated that condition, re-entered the city, and committed the present offence. This clearly indicates that the applicant has breached the faith reposed in him by the Court, and does not respect the conditions imposed while granting bail. Such conduct is material while considering whether bail can be granted.

11. Upon overall consideration of the material placed on record, including the nature of the assault, the specific role of the applicant, the supporting CCTV evidence, and the past criminal record, I am satisfied that there is a prima facie case made out for the offence under Section 307 of the Indian Penal Code. The conduct of the applicant, as reflected from past cases and breach of bail conditions, gives rise to a reasonable apprehension that if released on bail, the applicant may again indulge in similar criminal conduct, thereby endangering public peace and safety. In such circumstances, this Court is not inclined to exercise discretion in favour of the applicant.

12. In view of the above discussion and considering the seriousness of the allegations, the supporting evidence, and the criminal antecedents of the applicant, I am of the opinion that the applicant is not entitled to be released on bail at this stage.

13. The Bail Application stands rejected. No costs.

(AMIT BORKAR, J.)