

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1805 OF 2024
WITH
INTERIM APPLICATION NO. 2796 OF 2024

Manish @ Monya Jaidev Patil

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Sameer Hatle a/w Mr. Amit Mishra, Mr. M.R. Khan & Mr. Omkar Choupune for Applicant
- Ms. S.M. Yadav, APP for State
- Mr. Sanjay Dhanerao, PSI, Sanpada Police Station

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025

P. C.:

1. Heard Mr. Hatle, learned Advocate for Applicant and Ms. Yadav, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 (for short, "**Cr.P.C.**") in connection with Crime No. 106/2023 registered with Sanpada Police Station for the offences punishable under Sections 307, 326 and 452 r/w Section 34 of the Indian Penal Code, 1860 (for short, "**IPC**").

3. The date of the incident is 03.06.2023. First informant is the father-in-law of the injured victim. The injured victim and the present

Applicant before me are real brothers. There are two accused in the present crime. Other co-accused is known to the injured victim as also to the present Applicant as a family friend. Admittedly record shows that there was a property dispute between the injured victim and Applicant before me. According to the prosecution, the injured victim was assaulted by a knife on his neck on 03.06.2023. He was rushed to the hospital where he received treatment. Injury certificate is appended at page No. 52 of Application.

4. The various witness statements which are recorded *prima facie* show that in so far as the present Applicant is concerned, he was admittedly standing outside the room in which the incident occurred. According to the prosecution and the first informant, the co-accused was instigated by the present Applicant to assault the victim due to the property dispute between them. *Prima facie* the prosecution case as can be seen from the record is that co-accused - Mahesh Kamble assaulted the injured victim by a knife on his neck and with a Sattur on his head. Due to the impact of the attack, the injured victim shouted after which the co-accused along with present Applicant both ran away from the incident spot. Applicant is 29 years old having no antecedents. He is incarcerated for 17 months.

5. Ms. Yadav, learned APP would submit that gravity of the assault is serious to such an extent that the knife blow which was

inflicted by the co-accused was such that the knife was broken and embedded in the neck of the injured victim. She would submit that instead of helping his own brother, Applicant ran away from the incident spot which shows his complicity in the crime. She also in her usual fairness would submit that CCTV footage details which are appended at 42 of the Application show that Applicant was present outside the room but she would fairly concede that the incident occurred inside the room where the attack and assault took place.

6. Considering the above and in view of the fact that the Applicant before me as seen from the CCTV footage was standing outside the room i.e. the incident spot and considering his role, his further incarceration is not warranted. Needless to state that his complicity in the crime will be determined in trial. In that view of the matter, present Application is allowed in terms of prayer clause (a) subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer of concerned Police Station on the third Saturday between

10:00 a.m. to 12:00 p.m. for the first three months and thereafter as and when called;

- (iii) Applicant shall not enter the territorial jurisdiction of Sanpada Police Station till conclusion of the trial except for attending the IO for attendance and Court proceedings. He shall not reside in the jurisdiction of Sanpada Police Station until completion of the trial;
- (iv) 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;
- (v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court. He shall deposit his passport, if any, within two weeks after being released on bail with the Trial Court;
- (vi) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vii) 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;

(viii) Any infraction of the above conditions shall entail cancellation of this order.

7. It is clarified that the 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.

8. Bail Application stands allowed and disposed. Interim Application is also disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.02.24
19:53:46
+0530