

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.214 OF 2025

Raju Chinappa Dasi .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mubin Solkar a/w. Ms. Tahera Qureshi, Ms. Hemal Shah, Ms. Tahir Hussain and Mr. Anas Shaikh, Advocates for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 26, 2025

P.C.:

1. Heard Mr. Solkar, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.251 of 2020 registered with Shivaji Nagar Police Station for offences punishable under Sections 302, 324, 323, 120B, 504, 143, 147, 148 and 149 of the Indian Penal Code, 1860 (for short '**IPC**'); Section 37(1) of the Maharashtra Police Act, 1951 and Sections 4 and 27 of the Arms Act, 1959.

3. Applicant is arraigned as Accused namely Accused No.3 in the present crime. In all there are total 9 Accused. Mr. Solkar would persuade the Court to consider the order of granting bail to Accused No.1 appended at page No.762 of the Application. He would submit

that role attributable to present Applicant is almost identical to that of Accused No.1. He would submit that Accused No.1 is granted bail on merits.

4. That apart, other co-accused persons have also been granted bail by the Court. Their orders are appended at page Nos.729, 734, 737 and 744 of the Application.

5. On the issue of merits Mr. Solkar would persuade the Court to consider the dichotomy in the First Information Report appended at page No.29 of the Application wherein statement of First Informant categorically attributes infliction of a blow by knife to the Applicant and juxtapose the same with the supplementary statement of the said First Informant which is recorded on 04.11.2020 and appended at page No.38 wherein the same First Informant has stated that Applicant assaulted the deceased victim with a shock absorber rod. He would submit that First Information Report is registered on 29.10.2020 and supplementary statement of the First Informant was recorded on 04.11.2020 pursuant to he been shown the CCTV footage of the entire incident. He would draw my attention to the CCTV footage transcript appended at page No.276 and when the same is read at page No.280 of the Application, it is *prima facie*, seen that it is stated therein that Applicant has not assaulted the deceased – victim at all. Rather what is stated on the basis of the CCTV footage viewed is that Applicant was

instrumental in assaulting and threatening the passers-by and others who had gathered at the spot at the time of the incident so that they would not interfere in the incident in question.

6. Mr. Solkar has also pointed out that in the case of Accused No.6 who has been enlarged on bail order which is appended at page No.737 of the Application, prosecution had challenged the said order in the Supreme Court and the Supreme Court has upheld the said order while holding the aforesaid discrepancy in respect to accused No.6 also. In that view of the matter, he would persuade the Court to consider that since the role of Applicant is *prima facie* similar to Accused No.6 on the basis of prosecution case, the Court should consider releasing present Applicant on bail.

7. Mr. Dedhia, learned APP would submit that in so far submissions made by Mr. Solkar from the record are concerned he appears to be right there appears to be consistency. All that he would submit is that the gravity of the crime be considered by the Court since it has led to the death of the victim. However, in his usual fairness he would submit that what is *prima facie* placed before the Court needs to be gone into by the Court for the purpose of considering the present Application.

8. Having heard the learned Advocate for Applicant and the learned APP across the bar and after considering the role of the present

Applicant which is *prima facie* borne out from the CCTV footage appended at page No.278 and when read at page No.280, I am of the opinion that on parity with Accused No.6, Applicant has made out a case for bail. Hence present Bail Application is allowed subject to following 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) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (v) 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;

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

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

(viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. It is clarified that the observations made in this order are limited for the purpose of granting Bail only. They shall not be construed as observations on merit. The trial shall be adjudicated on the strength of evidence led by parties and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

10. Bail Application No.214 of 2025 is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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