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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.287 OF 2025

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Lalla Vijaynath Rai @ Lalla Pandey

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Datta Mane for the Applicant.

Mrs.Kranti T. Hiwrale, APP for the Respondent – State.

Mr.Jadhwar G.S., PSI, Tulinj Police Station present in Court.

CORAM : SANDESH D. PATIL, J.
DATE : 11TH NOVEMBER, 2025.

P.C. :-

1. The Applicant has filed the present Bail Application for his release on bail in connection with FIR No.I-1116/2020 registered with Tulinj Police Station, Taluka Vasai, District Palghar for the offences under Sections 302, 324, 323, 504, 506 & 34 Indian Penal Code (hereinafter referred to as “IPC”).

2. The first informant had lodged the FIR on 13th

December, 2020 thereby contending that on 13th December, 2020 in the evening at 5:30, he and his uncle Mr.Sama Yadav (deceased) were having a chat while sitting near the Tabela. At that time a fight ensued between Lale Yadav (present Applicant), Pavan Yadav, Amit Yadav and Raju Yadav whilst they were drinking liquor. The deceased went to resolve the dispute, however, the Applicant assaulted the deceased with iron rod. The Applicant also assaulted the first informant and one Mr.Dharmendra @Teni Yadav, who also went to settle the dispute.

3. The injured Mr.Sama Yadav died on the next day i.e. on 14th December, 2020.

4. Learned counsel appearing for the Applicant stated that this is not a case of pre-meditated murder, there was no preparation, the fight was not with the deceased but the fight was among some other group of persons, it is only when the deceased intervened, he was allegedly assaulted. He states that the entire

investigation is completed and chargesheet is filed. He states that he is behind the bar since 13th December, 2020 and that even the charges are not framed. He states that the offence of Section 302 of the Indian Penal Code is not attracted in the present case.

5. Learned APP states that there are three eye witnesses to the incident. She invited my attention to the statement recorded under Section 161 of the Code of Criminal Procedure of Mr.Sahil Tukaram Dingankar, Mr.Dharmendra @ Teny Yadav, Chintadevi Shamashankar Yadav, who is the wife of the deceased, she states that all of them have categorically stated that the deceased was being assaulted by the Applicant on chest, and thorax region. She states that this is a case where eye witnesses are available and the Bail Application be rejected. Learned APP on instructions states that the Applicant does not have permanent address and is likely to abscond, if bail is granted.

6. With the assistance of the learned counsel appearing for the parties, I have perused the chargesheet. Admittedly,

initially, there was no quarrel between the Applicant and the deceased.

7. Admittedly, the Applicant and some other persons were having liquor and they had fight among themselves, the deceased tried to resolve the dispute and all of a sudden the Applicant started assaulting the deceased. The injured has died on the next day and the advance death certificate which is annexed to the chargesheet shows that the death was due to “*rupture of spleen due to blunt trauma to abdomen*”. *Prima-facie*, it cannot be said that the present crime was pre-meditated and there was an intention to kill the deceased. Even if the statements of the eye witnesses are considered, *prima-facie* one cannot infer that an offence under Section 302 of IPC is made out.

8. In any event, there are about 16 to 17 witnesses to be examined, admittedly, even the charge is not framed in this case. The accused is behind the bars since 13th December, 2020. The Hon’ble Apex Court in the matter of *Union of India vs. K.A.*

Najeeb (2021) 3 SCC 713 and Javed Gulam Nabi Shaikh vs. State of Maharashtra & Anr. (2024) 9 SCC 813, have taken a view that an accused cannot be kept indefinitely behind bar without even framing the charge. For the reasons mentioned above, I am inclined to allow the Bail Application.

9. Hence the Bail Application is allowed on the following terms and conditions :-

- (i) **“The Applicant - Lalla Vijaynath Rai @ Lalla Pandey be released on bail, in connection with FIR No.I-1116/2020 registered with Tulinj Police Station, Taluka Vasai, District Palghar for the offences under Sections 302, 324, 323, 504, 506 & 34 Indian Penal Code on executing a PR bond of Rs.50,000/- with one or more sureties in the like amount to the satisfaction of the concerned Court.”**
- (ii) The Applicant shall provide his residential address and cell number to the I.O.
- (iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The Applicant shall attend Tulinj Police Station, Taluka Vasai, District Palghar once in a week on every Wednesday from 10:00 a.m. to 2:00 p.m. till the conclusion of the trial.

- (v) The Applicant shall not enter into the jurisdiction of Tulinj Police Station, save and except for attendance.

10. It is made clear that the above observations are only for the purpose of grant of bail and shall not be construed to be expression on merits of the case.

11. The application stands disposed of accordingly.

12. All the parties to act on an authenticated copy of this order.

(SANDESH D. PATIL, J.)