

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.507 OF 2025

Abhishekh Rajkumar Gupta

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Vinod Kashi, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2025

P.C.:

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

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') seeking Bail in connection with C.R. No.176 of 2021 registered with Dombivali Police Station for offences punishable under Sections 307, 323 and 504 of the Indian Penal Code, 1860 (for short '**IPC**'), Sections 4 and 25 of the Indian Arms Act, 1959 and Section 37(1) read with Section 135 of Maharashtra Police Act, 1951.

3. On date of incident i.e. 30.06.2021, First Informant was riding his Activa vehicle, returning from Kopar Railway Station and confronted the Applicant on the road. *Prima facie*, record shows that Applicant and First Informant knew each other. Applicant demanded

money from First Informant for liquor and First Informant refused to give which annoyed Applicant. It is seen that there was a verbal altercation between them which escalated into an assault with fist and blows after which Applicant assaulted the First Informant with knife on his nose, neck, stomach, right hand and right shoulder. The knife has been recovered. Applicant was a young person of 19 years of age at the time of incident.

4. *Prima facie*, it is seen that there was no pre-meditation or previous enmity between Applicant and First Informant and the incident was a result of the confrontation which took place on the spur of the moment due to reason of Applicant demanding money from First Informant and he refusing to give it to him. Considering the aforesaid *prima facie* facts from the record of the case, I am of the opinion that there is no possibility of escalation of the present offence and application needs to be considered. Appropriate directions can be passed by the Court as Applicant is a young offender having been incarcerated for period of more than 3 years and 8 months in custody. Considering the aforesaid *prima facie* observations Application stands 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) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 a.m. to 12:00 p.m. for the first three months after release and thereafter as and when called;
- (iii) 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;
- (iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (v) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;
- (vi) Applicant shall not reside in the jurisdiction of Dombivali Police Station till the completion of trial;
- (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 prosecution to apply for cancellation of this order.

5. The aforesaid observations are *prima facie* on the basis of record of the case which have been argued before me and is an expression of opinion by this Court only for the purpose of enlargement of Applicant on bail and shall not influence the trial in the present case.

6. Bail Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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