

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1311 OF 2025

Ajay @ Sanjubaba Jawle

...Applicant

Versus

State of Maharashtra

...Respondent

Ms Akshata Ashok Borode, *for the Applicant.*

Ms Poonam P Bhosale, *APP for the Respondent-State.*

Mr Pradip Shinde, *PSI attached to RCF Police Station present.*

CORAM Dr. Neela Gokhale, J.

DATED: 15th September 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R.No.197 of 2024 dated 26th March 2024 registered with the RCF Police Station, Mumbai for the offences punishable under Sections 307 and 504 of the Indian Penal Code, 1860.

2. The case of the prosecution as discerned from the FIR, is that, the Applicant and the Complainant were known to each other. On 25th March 2024, on the day of the 'Holi' festival,

the Complainant was riding his motor-cycle and going to the fish market near Ayodhya Nagar. He had purchased a few beer bottles and was carrying them with him. On the way, the Applicant stopped him and requested him for a ride till the main road. The Complainant obliged and the Applicant started riding the bike. Because of the speed in which the Applicant was riding, the beer bottles fell off the bike and few bottles broke. This led to an argument between the parties, leading to a physical scuffle. In the said scuffle, the Applicant is stated to have picked up a broken bottle and injured the Complainant on the left side of his neck. The Applicant also threatened to kill him and struck the beer bottle on his head. The Complainant thus, suffered the injuries and registered the said offence.

3. The Applicant filed the Bail Application before the Sessions Court, Mumbai. By an order dated 31st January 2025, the said Bail Application was rejected. Hence, he has filed the present Bail Application before this Court.

4. Ms Akshata Borade, learned counsel appearing for the Applicant, draws my attention to the injury certificate, which reveals only one injury, which is contrary to the statement of the Complainant that there were two injuries, on the left side of his neck as well as on head. She further points to the date of injury certificate, which is 25th May 2024 and states that the said injury certificate was issued almost two months after the incident. She further submits that the Applicant is in custody since 1 year 5 months and 20 days and the charges were already framed on 28th February 2025. However, the trial has not commenced as on date. She also states that the Trial Court concerned is vacant as on date. Ms Borade, learned counsel, also submits that the Applicant is of 25 years of age and his mother is solely dependent on him. She thus, prays that the Applicant be enlarged on bail.

5. Per contra, Ms. Poonam Bhosale, learned APP, submits that although, the injury certificate is dated 25th May 2024, the First Informant was in the hospital from 25th March 2024

to 27th March 2024. She brings to my notice, the communication between the Police Superintendent (Crime) and the Medical Superintendent of the Rajawadi Hospital, Ghatkopar, Mumbai. The said letter clearly corroborates that the Complainant was in hospital for two days i.e., from 25th March 2024 to 27th March 2024 when he was discharged. Ms. Bhosale also draws to my attention, the statements of four witnesses, which corroborate the statement of the First Informant. She thus, requests that the Bail Application be rejected.

6. Having considered the arguments of both the counsel and perused the record with their assistance, it appears that the said scuffle happened at the spur of the moment and there does not appear to be a pre-meditated act on the part of the Applicant to cause injuries to the Complainant. He has already suffered incarceration for 1 year and 5 months. The trial has not yet commenced and is unlikely to conclude in foreseeable future. The Applicant is 25 years of age and is a sole bread

winner in his family consisting of his mother and himself. The Applicant admittedly does not have any criminal antecedents.

7. Considering the aforesaid, this is a case fit to grant bail and it is directed as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/ with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.20,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.20,000/- within a period of four weeks after his release, which shall be accepted by the Investigating Officer. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the RCF Police Station, on the first Monday of every month between

09:00 a.m. to 11:00 a.m. till the conclusion of the trial;

iv) The Applicant shall attend the Trial Court concerned on each and every date unless specifically exempted by the orders of the Trial Court concerned;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

vi) The Applicant shall not leave India, without the permission of the trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or

mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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