

RAMESHWAR
LAXMAN
DILWALE

DILWALE

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2224 OF 2025

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Date: 2025.07.04
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Prakash Kumar Yogendra Kumar Majhi ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Aditya R. Parmar, Advocate for the Applicant.

Mrs. Megha S. Bajoria, APP for the Respondent-State.

Mr. Sunil Bile, PI, Malawani Police Station present.

CORAM : AMIT BORKAR, J.

DATED : JULY 04, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime No.957 of 2024 registered at Malvani Police Station. The offences alleged against the applicant are punishable under Sections 109, 64, 62, 74, 75, 118(1) and 127(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 15.07.2024, the informant approached the police and lodged a report stating that in the early hours of the same day, between 1:00 a.m. to 2:00 a.m., the applicant came to her and complained that her cats had

entered his bungalow. On that pretext, he called her inside his bungalow. It is alleged that once inside, the applicant caught her hand and demanded sexual intercourse. When she refused, the applicant is said to have put a knife to her neck and attempted to kill her. He allegedly assaulted her with the knife on her stomach. Based on this report, Crime No.957/2024 came to be registered and the applicant was arrested in connection with the said offence. He has been in custody since then. Hence, this application has been filed praying for his release on bail.

3. Learned counsel appearing for the applicant submitted that as per the prosecution case, the allegation is of attempt to commit murder and of making a demand for sexual intercourse. It was pointed out that the victim's statement under Section 164 of the Cr.P.C. only mentions that the applicant caused an injury, but does not disclose clear and sufficient material to attract the ingredients of the offences alleged, particularly the element of intention. It was further submitted that the applicant was arrested on 18th July 2024, and that he has no criminal antecedents. Considering these facts, learned counsel prayed that the applicant may be released on regular bail.

4. On the other hand, learned APP strongly opposed the bail application. It was submitted that the entire incident was captured on CCTV and the footage is available. The statement of the victim recorded under Section 164 of the Cr.P.C. is consistent with her earlier statement under Section 161, and both clearly reveal that the applicant had the intention to commit rape and also attempted to kill the victim. Therefore, it was submitted that in view of the seriousness of the allegations and the supporting evidence, the applicant does not deserve to be released on bail.

5. I have carefully considered the submissions of both sides and perused the record available at this stage. The FIR contains serious allegations against the applicant of demanding sexual intercourse and attempting to commit murder. However, it is to be noted that the incident took place inside the applicant's bungalow and only the informant and the applicant are stated to be present at the relevant time.

6. The material placed before the Court, such as the statement under Section 164 of Cr.P.C., does mention assault with a knife. However, the medical papers indicate that the injury suffered is simple in nature. There is no expert medical opinion as yet on

record to show that the injury was of a grievous nature or was likely to cause death in the ordinary course. The specific overt act attributed to the applicant will be tested at the time of trial.

7. It is further noted that the applicant was arrested on 18th July 2024 and is in custody since then. The charge-sheet is not yet filed but investigation appears to be substantially completed. The applicant has no prior criminal record. There is no material placed on record to indicate that he may abscond or tamper with prosecution evidence if released on bail.

8. So far as the CCTV footage is concerned, its authenticity and evidentiary value will be subject to appreciation at the stage of trial. At this stage, it is not possible to conclude that the footage conclusively establishes the intent to commit rape or murder. Prima facie, the case appears to rest on the version of the informant, which will require thorough scrutiny during trial.

9. In view of the above facts and circumstances, particularly the nature of injuries, lack of antecedents, and prolonged custody, I am of the opinion that the applicant deserves to be released on bail with stringent conditions to ensure his presence during trial and to prevent any misuse of liberty.

10. The applicant is directed to be released on bail on executing a personal bond of Rs.25,000/- (Rupees Twenty five Thousand only) with one or more sureties in the like amount, subject to the following conditions:

- (a) The applicant shall not, in any manner, contact the family members of the victim, directly or indirectly.
- (b) The applicant shall not enter the locality where the victim resides, and shall maintain a distance of at least 500 meters from the place of alleged incident.
- (c) The applicant shall cooperate with the prosecution and attend all trial dates regularly.
- (d) The applicant shall not tamper with evidence or influence any witness.
- (e) The applicant shall provide his current residential address and inform the court in case of change of residence.
- (f) The applicant shall not commit any offence during the pendency of trial, failing which his bail is liable to be cancelled.
- (d) The applicant shall report to the Malvani Police Station once in a week, until further orders.

(AMIT BORKAR, J.)