

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4186 OF 2025**

Rakesh @ Mahendrasingh Amarsingh Patel ...Applicant
Versus
State Of MaharashtraRespondent

Mr. Mahesh M. Funde, *for the Applicant.*
Ms. Poonam Bhosale, *APP for the State-Respondent.*
PSI - N. B. Gaikwad, *Shivajinagar Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 12th November 2025

PC:-

1. By way of the present application, the Applicant seeks his release on bail in connection with FIR No. 24 of 2023 dated 19th January 2023 registered with the Shivaji Nagar Police Station for the offences punishable under Sections 307, 324, 142, 143, 144, 148, 149, 504 and 506 of the Indian Penal Code, 1860 ("IPC") and Sections 37(1) and 135 of Maharashtra Police Act, 1951.

2. The facts of the case, in brief, are that the Complainant i.e. the injured victim's fiancée one Manisha was being teased by the Applicant and his friends and cousins. When the Applicant confronted the Applicant and his friends, there was a verbal spat between the parties leading to a scuffle and a physical altercation. It is alleged that the Applicant and his friends had beaten up the First Informant with iron rod, cable wire, brick and iron scissor. The role attributed to the present Applicant is that he hit one another person name Fayaz Shaikh, who joined the fracas, with an iron scissor causing serious injuries to his head. The Complainant filed the FIR, pursuant to which, all the accused were arrested.

3. This is the third Bail Application moved by the Applicant before this Court. Earlier by order dated 10th October 2023, the Additional Sessions Judge, Kalyan rejected the bail application of the Applicant. Thereafter, by order dated 10th February 2025, this Court, not being inclined to grant relief , permitted the Applicant to withdraw the same. Thereafter, the

Applicant moved another bail application before this Court bearing No. 2763 of 2025 and once again this Court expressed disinclination to grant relief to the Applicant. However, vide its order dated 15th July 2025, the Court permitted the Applicant to renew his request for bail after a period of one year, in the event there was no substantial progress in the trial during that period. Hence, the Applicant has filed the present Bail Application on the ground that even the charges as on date are not framed in the criminal case.

4. Mr. Mahesh Funde, learned Counsel for the Applicant, essentially seeks release of the Applicant on bail on the ground that the co-accused i.e. Amit Patel and Montu Patel are released on bail by this Court. He submits that the role attributed to Montu Patel is similar to that of the present Applicant. He submits that even after one year, there was no substantial progress in the trial and on this ground, the Applicant deserves to be enlarged on bail.

5. *Per contra*, Ms. Poonam Bhosale, learned APP, resisted the present Bail Application. She has brought to my notice a noting of the Investigating Officer that the Applicant has threatened and intimidated the injured victim namely Fayaz Shaikh by calling him on a mobile phone and directed him to withdraw the case. She also submits that the injury caused by the present Applicant is a grievous injury and the weapon has also been seized. In these circumstances, she submits that the offences are serious and the Bail Application be rejected.

6. I have heard learned Counsel for the respective parties and perused the record with their assistance.

7. It appears that this Court on two occasions was not inclined to grant relief to the Applicant. However, in the order dated 15th July 2025, the Applicant was given liberty to renew his request for bail after one year if during that period, there was no substantial progress in the trial. Unfortunately, today as the stage of the trial stands, even the charges are not yet framed.

8. Considering Ms. Bhosale's submissions that the Applicant has attempted to threaten Fayaz Shaikh by calling him on phone and directing him to withdraw the criminal case, the apprehension of a further threat can be deterred by imposing stringent conditions on the Applicant.

9. Having regard to the liberty granted to the Applicant to renew his prayer, as well as the long incarceration already undergone by him for a period of almost two and half years, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Shivaji Nagar Police Station, on first Monday of every month between 10:00 a.m. and 12:00 noon, till the charges are framed by the Trial Court.

He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

iii) The Applicant shall not enter the jurisdiction of Shivaji Nagar Police Station since the said Fayaz Shaikh is stated to be residing in that area, till the statement of Fayaz Shaikh is recorded before the Trial Court.

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

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

vi) The Applicant shall inform his latest place of residence and mobile contact 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;

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

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

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

(Dr. Neela Gokhale, J)