

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

**INTERIM APPLICATION NO.2794 OF 2025  
IN  
CRIMINAL APPEAL NO.635 OF 2025**

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|--------------------------|-----------------|
| Ranjit Jayprakash Taak   | .....Applicant  |
| Versus                   |                 |
| The State of Maharashtra | .....Respondent |

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Mr. Vipul Dushing, Advocate a/w. Tanmay Kate, A.R. Chikate for the Applicant.

Ms. Geeta P. Mulekar, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL &  
ADVAIT M. SETHNA, JJ.  
DATE : 18<sup>th</sup> AUGUST, 2025**

**P.C. :**

1. This is an Application for bail pending Appeal. The Applicant was the original accused No.4. There were fifteen accused in this case; out of them twelve accused were actually prosecuted and all were subsequently convicted. The incident was dated 3.5.2018. The Applicant was arrested on 9.5.2018. He was granted bail on 17.11.2022 and then again after his conviction he is taken in custody.

2. Heard Mr. Vipul Dushing, learned counsel for the Applicant and Ms. Geeta Mulekar, learned APP for the Respondent-State.

3. The prosecution case is that on 3.5.2018, the deceased Vinod Narwal was returning home on his two-wheeler with his wife after visiting a temple. At that time, five to six accused stopped them in front of the house of the accused. All the accused encircled him. Some of them were having deadly weapons like sword, axe etc.. They mounted assault on Vinod. The people from the locality gathered there. The wife of the injured with the help of others, took him to the hospital. He succumbed to his injuries.

4. Learned counsel for the Applicant submitted that the most important witness in this case was mother of the wife of the deceased, but, she could not be examined. PW-1 was the wife of the deceased, but, she was not reliable. There are indications in the evidence to show that she had undergone the spine injury and since she was operated; it was not possible that she could have travelled on a two-wheeler to visit a temple. The other eye witness PW-2 is an unreliable witness and there are omissions from her statement recorded under Section 164 of Cr.P.C.. She has also admitted that there was darkness on the spot and, therefore, it was not possible to see the identity of the

assailants. The weapons attributed to the accused and the injuries described by the Medical Officer do not match. No specific role is attributed to the Applicant. It was a crowded locality and no independent witness is examined by the prosecution. All the accused were residing at different places but their CDRs are not collected during the investigation to show that all of them had gathered at the spot where the incident had allegedly taken place. There was no premeditation. The accused were not aware that the deceased was returning on that road and, therefore, the incident had taken place out of a sudden quarrel.

5. Learned counsel further submitted that considering the description of the incident it was not possible that only three injuries could be caused by a sword. There is a possibility that all these injuries could have been caused during an accident. The FIR was lodged subsequently on the next day.

6. Learned counsel for the Applicant relied on the orders passed in the Bail Applications of the other accused who have filed separate Appeals. He relied on the orders passed in

favour of co-accused Shobha Valmiki, Vicki Walmiki, Suresh Sarwan, Naresh Walmiki as well as the two co-appellants Mayuri Taak and Madhuri Taak. All of them were granted bail; and, therefore, he submitted that based on the same evidence the Applicant deserves to be released on bail during pendency of his Appeal.

7. Learned APP opposed these submissions. According to her, the assault was brutal. There were sixteen injuries. PW-1 was a natural witness. She is supported by PW-2. The blood stained sword was found on the spot.

8. We have considered these submissions. The most important witnesses in this case are PW-1 Meena Narwal (who is wife of the deceased) and PW-2 Usha Wadmare.

9. PW-1 Meena Narwal has stated that on 3.5.2018 at about 10.00 p.m., she was returning on their two-wheeler from a temple. At that time, the accused Sanjit Taak and Sujit Taak stopped them in front of their house. She then gave names of all the accused persons. According to her, all of them encircled the deceased and PW-1. She then described the actual assault. She

has stated that the accused Sanjit Taak, Sujit Taak and the present Applicant were having swords and Akash was having an axe. They started assaulting the deceased. The other accused were throwing stones, pipes, sticks etc.. Her husband was seriously injured. He fell down on the road. PW-1's mother Malan Shinde and PW-2 Usha Wadmare tried to intervene. At that time the Applicant threatened PW-1's mother with a sword. There is a specific role attributed to the present Applicant. The accused Sanjit Taak, Sujit Taak, Ravi Taak, Akash Bahot and the Applicant were attributed the deadly weapons. PW-1 had stated that they assaulted the deceased with their weapons. The medical evidence through PW-7 Dr. Dattatray Waghmode showed that the deceased had suffered sixteen injuries as follows :

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1. Contusion Rt Arm 15 x 10 cm.
2. CLW on occipital scalp c base skull below it (10 x 0.5 x 1 cm)
3. CLW Rt cheek 6 x 1 x 0.5 cm.
4. Closed # (fracture) Rt Arm.
5. Open # (fracture) forearm Rt puncture wound near it.
6. Open # (fracture) dislocation wrist Rt with puncture wound over it.

7. Open # (fracture) Rt little finger.
8. Abrasion Lt arm.
9. Puncture wound elbow dislocation Lt.
10. # (fracture) forearm Lt open # (fracture) puncture wound Lt wrist.
11. Multiple contusion swelling # (fracture) closed of ring, little and middle finger of Lt. Hand.
12. Contusion 9 x 8 cm # (fracture) of Lt hand.
13. Abrasion 2 x 2 cm Rt knee outer aspect.
14. Crushed injury to multiple # (fracture) multiple puncture wounds on Rt lower limb below knee.
15. Crushed injury to multiple # (fracture) multiple puncture wounds on Lt over limb below knee.
16. Contusion on ant and wall above umbilicus.”

. In paragraph-9, PW-7 Dr. Waghmode has specifically stated that the injuries on the person of the deceased were possible if he is assaulted by a hard and blunt object as well as sharp weapons. The injury Nos.2, 3 & 9 were possible by sword.

10. Thus, the version of PW-1 is sufficiently supported by the medical evidence. Her evidence is also supported by the evidence of PW-2 Usha Wadmare. She has also attributed same specific role to the present Applicant. Though, there are some omissions in her statement recorded under Section 164 of

Cr.PC., there are no such omissions and contradictions from her police statement recorded under Section 161 of Cr.P.C.. There is no such reference in her cross-examination.

11. Learned counsel for the Applicant tried to submit that PW-1 had undergone a spine surgery. However, it is not asked in the cross-examination that as to when that surgery was performed. There is no reason to disbelieve her version. The FIR is lodged by PW-1 herself. Though the other accused are granted bail, their roles are definitely distinguishable from the role attributed to the present Applicant. He is also attributed the role of using a deadly weapon, like sword, unlike the other accused who have been granted bail. In this view of the matter, no case for grant of bail pending Appeal is made out. The Application is rejected.

(ADVAIT M. SETHNA, J.)

(SARANG V. KOTWAL, J.)