

Versus

Mr. Ulhas Laxman More for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

TUESDAY, 17TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-99 of 2014 registered with the Ulhasnagar Police Station, District Thane, for the alleged offence punishable under Section 307 r/w 34 of the Indian Penal Code.
3. The complainant in the present case is Santosh Jaiswal. He is also an injured witness in the said case. According to Santosh, at about

4:15 hours, when they were waiting near the Century Rayon High School, Chandrakant Kamble, Ravi Konde and Rajesh Amte came there and disclosed to them that some persons from the area i.e. the present applicant, Roshan, Kaushal and Prabhuraj were assaulting one Suraj Shinge. Accordingly, the complainant along with others went to question the present applicant, Roshan, Kaushal and Prabhuraj about the said incident. There was an altercation between them. It is alleged that at that time, Roshan pulled out a knife and assaulted Ravi Konde on his abdomen and Kaushal assaulted the complainant with a wooden log. It is alleged by the complainant that when he caught hold of Kaushal, Roshan assaulted him with a knife on both his hands and on his stomach and that co-accused Prabhuraj also pulled out a knife and assaulted the complainant on both his hands. Thereafter, all of them are said to have ran away.

4. Learned Counsel for the applicant submitted that no specific role has been assigned to the applicant with regard to the assault either on the complainant or on Ravi Konde. He submitted that the applicant is aged 19 years and is studying in Standard 12th and considering the material on record and the fact that the investigation is complete and charge-sheet is

filed, the applicant ought to be enlarged on bail. Learned A.P.P opposed the bail application.

5. Perused the statement. It appears that there were two incidents that took place on 4th April, 2014 as is evident from the statement of Suraj Shinge and the complainant and others. In the first incident that took place on 4th April, 2014, it appears that the applicant and the co-accused assaulted Suraj Shinge with fist and kick blows and with the '*kada*' in the hand. It is after this, the present incident has occurred. Admittedly, the present applicant is not involved in the actual assault on the complainant or on Ravi Konde. It only appears that the applicant was present there. No overt act has been attributed to him. Considering the material on record and the fact that the applicant is aged 19 years of age and is a student, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant Shailesh Brijbhushan Chauhan be released on bail in connection with case No. C.R. No. I-99 of 2014 registered with the Ulhasnagar Police Station, District Thane, on executing PR

Bond in the sum of Rs. 15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend Ulhasnagar Police Station once in a month on the first Saturday of every month between 5:00 p.m. to 6:00 p.m. till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to contact any witness concerned with the case;

(iv) 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 Ulhasnagar Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.