

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.276 OF 2015

|                                |    |             |
|--------------------------------|----|-------------|
| Prakash @ Pintya Suresh Gorade | .. | Applicant.  |
| V/s.                           |    |             |
| The State of Maharashtra       | .. | Respondent. |

WITH  
CRIMINAL APPLICATION NO.265 OF 2015  
IN  
ANTICIPATORY BAIL APPLICATION NO.276 OF 2015

|                   |    |                          |
|-------------------|----|--------------------------|
| Balaram Velji Oza | .. | Applicant/<br>Intervener |
|-------------------|----|--------------------------|

In the matter between

|                                |    |                        |
|--------------------------------|----|------------------------|
| Prakash @ Pintya Suresh Gorade | .. | Applicant/<br>Accused. |
| V/s.                           |    |                        |
| The State of Maharashtra       | .. | Respondent.            |

Mr. S. V. Marwadi i/b. Mr. Durgesh P. Jaiswal, for the Applicant.  
Mrs. P. P. Shinde, APP for Respondent-State.  
Mr. R. M. Yamgar, for the Intervener.

**CORAM: REVATI MOHITE DERE,J**  
**DATE : 1<sup>st</sup> APRIL, 2015.**

**PC:-**

Heard learned Counsel for the Applicant, learned Counsel for the Original Complainant and the learned APP for the Respondent-State.

2 By this application, the Applicant seeks pre-arrest bail in connection with CR No.38 of 2015, registered with the Wadala Police

Station, Mumbai for the alleged offences punishable under Sections 325, 392 and 427 of IPC.

3           The incident in question has taken place on 8<sup>th</sup> February, 2015. The learned Counsel for the Applicant submits that pursuant to the incident of 8<sup>th</sup> February, 2015, an NC was lodged with the Wadala Police Station by the owner of Bharat Vijay Hotel. He submits that in the NC which was lodged, it is alleged that the Applicant came into the hotel, abused and assaulted the Manager of the hotel. Thereafter, the Applicant is alleged to have thrown two glass bottles. The learned Counsel contended that thereafter, on 10<sup>th</sup> February, 2015, the owner of Bharat Vijay Hotel has lodged a complaint with respect to the same incident and has further added, that from the cash counter, a sum of Rs.1250/- was stolen. The learned Counsel for the Applicant submits that on the same day i.e. pursuant to the NC, the Applicant was summoned and criminal proceedings were initiated against the Applicant under Section 110 of the B. P. Act and the Applicant has paid a fine of Rs.1200/-.

4           The learned Counsel for the Complainant opposed the bail application. He submitted that an NC was lodged by the Manager of Bharat Vijay Hotel and that although a grievance was made to the Police, that cash amount was stolen, the same was not recorded by the Police and, hence, on 10<sup>th</sup> February, 2015, a complaint/FIR was lodged by the Manager of the 'Bharat Vijay Hotel' as against the Applicant wherein, it has been alleged that the Applicant had robbed cash of Rs.1250/- from the cash counter.

5           Perused the papers, more particularly the NC and the complaint/FIR dated 10<sup>th</sup> February, 2015. Except Section 392 of the IPC,

all the other Sections are bailable. There also appears to be some other dispute between the parties.

5 Be that as it may, considering the peculiar facts and circumstances of the case, the Applicant is entitled to be enlarged on bail on the following terms and conditions:

**ORDER**

- (i) The applicant be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- (ii) The applicant shall attend the concerned police station i.e. Wadala Police Station on every Saturday between 10:00 a.m. to 12.00 noon, and thereafter as and when called, till the disposal of his case in the trial Court;
- (iii) He shall not leave Mumbai and Thane Districts without the prior permission of the trial Court;
- (iv) The applicant shall furnish his address as well as his contact number, both to the concerned police station as well as to the Court seized with the case and if there is any change in the address or the contact number, the same shall also be immediately communicated to the PI, Wadala Police Police Station as well as the Court seized with the case; and
- (vi) If there is breach of any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of the applicant's bail.

6 The application is allowed in the aforesaid terms and accordingly stands disposed of.

7           The learned trial Judge to conduct the case on its own merits, uninfluenced by the observations made in the present order, which are prima facie in nature.

8           Parties to act on an authenticated copy of this order.

**(REVATI MOHITE DERE,J.)**