

Mukesh Vasant Patil		Applicant
Vs.		
The State of Maharashtra		Respondent

CORAM: REVATI MOHITE DERE, J.

DATED: APRIL 20, 2015

P.C:

1. Heard the learned senior counsel for the applicant and the learned APP for the respondent-State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.I-301 of 2014, registered with the Manpada Police Station, District Thane for the

alleged offences punishable under Sections 147, 148, 149 and 302 of the IPC.

3. It appears that on account of the incident that took place on 11-6-2013, cross cases were filed by the parties, i.e. the complainant and the applicant with regard to the same incident. The present complaint has been filed by the nephew of the deceased, Rrishikesh Keni, i.e. C.R. No.I-301 of 2014 as against the applicant and others and the cross case, i.e. C.R. No.I-299 of 2014 has been lodged by the present applicant as against the complainant and the deceased.

4. The learned counsel for the applicant submitted that though the deceased had been externed from Thane District, on the date of the incident, he had entered the jurisdiction of the Thane District. He submitted that in the

complaint/FIR lodged by the complainant, i.e. the nephew of the deceased, nothing is disclosed as to how the applicant sustained grievous injuries; whereas in C.R. No.I-299 of 2014 the applicant (complainant) has set out the manner in which the incident had taken place, including how the injuries were sustained by the deceased and the complainant. He submitted that in the incident that took place, the applicant was stabbed with a knife on his abdomen by the deceased, resulting in a grievous injury. He submitted that as a result of the stab injury, the applicant was in hospital from 11-6-2014 till his discharge on 16-7-2014. He relied on the injury certificate and medical records of the applicant.

5. The learned APP opposes the bail application. She states that the applicant has two antecedents. Mr. Mundargi, learned counsel

appearing for the applicant, states that in one of the C.Rs, the applicant has been discharged from the case.

6. Considering the manner in which the alleged incident has taken place; the cross cases registered in the said case with respect to the incident; and the injuries sustained by the applicant in the said incident, 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.25,000/- with one or two local sureties in the like amount.

(ii) The applicant shall attend the concerned police station i.e. Manpada Police Station on the first Saturday of every month

between 10:00 a.m. to 12:00 noon, till the conclusion of the trial.

(iii) 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, Manpada Police Station as well as the Court seized with the case.

(iv) The applicant shall not influence or intimidate any person concerned with the case.

(v) The applicant to co-operate in the conduct of the trial.

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

of.

8. The Trial Court to conduct the case on its own merits, uninfluenced by the observations made in the present order, which are prima facie in nature.

9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)