

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 546 OF 2015**

Swapnil Charandas Sutar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Niranjan Shrikant Mundargi for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

API Mr. Rajput from Nerul Police Station, Navi Mumbai, is present

CORAM : REVATI MOHITE DERE, J.

WEDNESDAY, 18TH 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. 42 of 2015 registered with the Nerul Police Station, Navi Mumbai for the alleged offences punishable under Sections 307, 323 r/w 34 of the Indian Penal Code.
3. The incident in question has taken place on 10th February, 2015 at about 5:00 p.m. It is alleged by the complainant, who is the mother of

the injured Gauri that there was an altercation between the applicant and her daughter Gauri on the said date, pursuant to which, the applicant tried to strangle Gauri.

4. The learned Counsel for the applicant contended that the incident in question had taken place at the spur of the moment when the victim girl went to the house of the applicant to question him. He submitted that there was no enmity relations between the applicant and the victim girl and that the quarrel had arisen only as the victim girl had commented on the applicant's friend, pursuant to which the applicant had gone to the house of the victim girl and told her sister to ask the victim girl to behave properly.

5. Learned A.P.P. opposed the bail application. She states on the instructions of the Investigating Officer, who is present in Court, that the charge-sheet is likely to be filed within two weeks.

6. Perused the papers of investigation as well as the medical certificate. The applicant is a Government servant working with the Navi

Mumbai Municipal Corporation. Considering the facts that the incident in question had taken place at the spur of the moment when the victim went to the house of the applicant; that there were no enemical relations between the two; that the applicant has been in custody since his arrest; and the fact that the charge-sheet is likely to be filed within two weeks, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant Swapnil Charandas Sutar be released initially on cash bail of Rs. 15,000/- in connection with case No. C.R. No. 42 of 2015 registered with the Nerul Police Station, Navi Mumbai. Thereafter, within four weeks, applicant to furnish one or two solvent sureties in the like amount; ;
- (ii) The applicant shall not enter the area under jurisdiction of Nerul Police Station, Navi Mumbai, for a period of two weeks i.e. till the filing of the charge-sheet;
- (iii) The applicant shall not tamper or attempt to contact the victim girl or 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 Nerul Police Station, Navi Mumbai;

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

7. 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.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.