

Anil Durga Mirekar		Applicant
Vs.		
The State of Maharashtra		Respondent

CORAM: P.D. KODE, J.

DATED: JANUARY 05, 2015

P.C.:

1. The prayer for bail made by charge-sheeted accused No.2 in the charge-sheet submitted by RCF Police Station, Mumbai in C.R. No.4 of 2014 for commission of offences under Sections 307, 323, 324 and 504 r/w Section 34 of the IPC is objected by learned APP on the ground that involvement of the applicant in commission of such offences is borne from the

material collected during the course of investigation, i.e. the FIR lodged by the victim and statements of two eye-witnesses, namely, Dinesh Gupta and Ramesh Joshi and so also the other material.

2. The prayer for bail is pressed by the learned counsel for the applicant on the ground that the applicant is not the main assailant; investigation is complete, charge-sheet has been filed and the offences for which the applicant is charge-sheeted are not exclusively punishable with death or even imprisonment for life. It is urged that the victim is out of danger and is discharged from hospital.

3. Perusal of the material in the charge-sheet support the submissions advanced by the learned counsel for the applicant. The facts and circumstances of the crime do not reveal

any circumstance disentitling exercising of discretion in favour of grant of bail, which is rule of law. However, having regard to the fact that there exists a dispute in between the parties, it appears proper to impose certain conditions while acceding to the prayer for bail.

4. Resultantly, the application is allowed. The applicant is directed to be released on bail in above said crime number on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties to make up like amount and subject to conditions that after his release the applicant shall (i) stay at the address mentioned in the application and shall not change the same without permission of the Court; (ii) attend the I.O. on every Monday in between 11:00 a.m. to 1:00 p.m. until further order; (iii) not

indulge in activity of tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the protection granted vide this order for fleeing away or for committing any further offence.

5. The application accordingly stands disposed of.

(P.D. KODE, J.)