

Hanumanta @ Guddu Yellappa
Koli Applicant
Vs.
The State of Maharashtra Respondent

CORAM: P.D. KODE, J.

DATED: JANUARY 06, 2015

P.C.:

1. The prayer for bail made by charge-sheeted accused No.1 in the charge-sheet submitted by Sakinaka Police Station, Mumbai in C.R. No.164 of 2014 for commission of offence under Section 307 r/w Section 34 of the IPC is objected by learned APP on the ground that involvement of the applicant in commission of such offence is borne from statement of the

victim as well as statements of two eye-witnesses. The learned APP has submitted that since animosity is prevailing in between the applicant and the victim and as such there is every likelihood of repetition of such an incident and/or commission of such offence in future, the prayer for bail be negatived.

2. Mr. Prakash Wagh, learned counsel for the applicant has pressed the prayer for bail on the count of the offence for which the applicant is charge-sheeted being not exclusively punishable with death or imprisonment for life, the injured being out of danger, investigation being complete and the apprehension expressed by the learned APP can be taken care of by imposing suitable conditions.

3. A perusal of the charge-sheet supports

the submissions canvassed by the learned counsel for the applicant to the extent of the offence for which the applicant is charge-sheeted being not exclusively punishable with death or imprisonment for life. A perusal of the charge-sheet also does not reveal any specific circumstance disentitling to exercise the discretion in favour of grant of bail, which is the rule of law. However, considering the rivalry in between the parties it appears proper to impose certain conditions to ensure that order of bail is not mis-used.

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) not enter the jurisdiction of Sakinaka Police Station, Mumbai until further order; (ii) inform his place of abode to the I.O. and shall attend the local police station for said area 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. In event of the applicant entering the jurisdiction of Sakinaka Police Station, the bail granted to him by this order would stand automatically cancelled and the police would be free to arrest him in connection with above said crime number.

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19-BA-2675.2014

6. The application accordingly stands
disposed of.

(P.D. KODE, J.)