

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 596 OF 2016

Vijay Kamlaprasad Singh	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Ms. Sneha Singh h/f. Mr. A.M. Saraogi, Advocate for the applicant.
Mrs. Rutuja Ambekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **22nd March, 2016.**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 395, 397, 452, 354, 504, 506, 427 of the Indian Penal Code in C.R. No. 388 of 2015 registered with Tulinj Police Station, Mumbai. The offence is registered at the instance of Abhishek alias Rahul Sudhir Dubey on 14th August, 2015.

2. As per the case of the prosecution, the offence has taken place on 14th Augut, 2015 at around 4.30 p.m. The complainant is running a pathology and the office of his maternal uncle is adjacent to his pathology. His maternal uncle and co-accused Sanjay Singh had dispute in respect of their business of building construction. So, the applicant/accused, who is the brother of co-accused Sanjay Singh, and other relatives entered the office of maternal uncle of the complainant. They destroyed the office and

earthing line of the pathology of the complainant. When the complainant tried to intervene, he was assaulted with wooden rod, fist blows and footwear. They broke the glass of the office. The complainant was injured. The applicant/accused also assaulted the lady employee of his maternal uncle. Thus, the offence was registered. As per the case of the prosecution, the applicant/accused was absconding and was arrested on 8th February, 2016. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant does not have criminal antecedents. He will not jump the bail. No offence is committed by the applicant/accused much less the charges levelled against him.

4. Learned APP opposed the Application. She relied on the order passed by the learned Sessions Judge on 2nd March, 2106 rejecting the Bail application. She relied on the injury certificate of the complainant and also the statements of the witnesses which are recorded. She submitted that the investigation is complete and charge sheet will be filed within 15 days.

5. Perused the statements of the witnesses which are produced by the learned APP and the injury certificate. It appears from the record that the

applicant/accused and other accused entered the office of maternal uncle of the complainant. Considering the charges levelled against the applicant/accused, the stage of investigation and as there are no criminal antecedents against the applicant/accused, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing PR. Bond in a sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall not harass, threaten or pressurize the complainant.
- (v) The applicant shall not indulge into any criminal activity of any nature especially the offence against human body and property;
- (vi) The applicant shall attend the concerned police station on every Friday between 6 to 7 p.m. till the charge sheet is filed;
- (vii) The applicant shall make himself available and attend all Court dates;
- (viii) The applicant shall not abscond and furnish his address to the police along with address proof.

- (ix) The applicant shall not leave India without the prior permission of the Court.
 - (x) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.
6. The Application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)