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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1010 OF 2016

Babasaheb Shiva Samudare @ Babya

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Ms. Mansha Khemka a/w Bhagyashree Upadhyay i/b Khemka And
Associates for applicant.

Mr. Deepak Thakare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 30th August 2016.

P.C.

1 This is an application for bail under Section 439 of Cr. P.C.
The applicant is seeking bail in CR No.67 of 2015 registered with R.C.F.
Police Station dated 16.3.2015 under Sections 307, 354(A), 452, 504,
506(2) of the Indian Penal Code and under Section 37(1) read with 135 of
the Maharashtra Police Act.

2 The first information report is lodged by Smt. Heena Iqbal
Shaikh. It is stated in the said report that the informant was acquainted with
the present applicant. That on 16.3.2015 at about 11.00 a.m., the applicant

barged in the house of the informant and abused her in filthy language and made sexual advances from her. That when the applicant grab the informant she pushed him back. The applicant again abused the informant in filthy language and at the point of a knife threatened the complainant to remove her cloths. The complainant therefore raised hue and cry. At that time the applicant took the kerosene can from the house of the complainant and poured kerosene on her person. The applicant also tried to ignite the match-stick and threw it on the person of the informant. The said match-stick did not burn due to in the air. When the complainant raised her shouts, the neighbours rushed to the spot and therefore the applicant ran away from the scene of offence. In the premise the first information report is lodged. After completion of investigation, police have filed chargesheet. The case is committed to the Court of Session and is numbered as Sessions Case No.582 of 2015.

3 It appears from the record that there is no medical certificate collected by the Investigating Agency with respect to any of the alleged injuries caused or suffered by the victim. It further appears that the alleged seizure of cloths of the informant is effected after a substantial gap of time. In view of the same, the applicant has made out a case of his release on bail. The learned APP on instructions submitted that the applicant was

convicted in earlier crime and has also undergone sentence under Section 325 of the Indian Penal Code. The learned APP further submitted that if the applicant is released on bail, there is every possibility that the applicant may tamper with the evidence and/or threaten the prosecution witnesses and also the complainant/informant. The said apprehension can be taken care of by imposing stringent condition upon the applicant.

4 Hence, the following Order:

(i) The applicant be released on bail in CR No.67 of 2015 registered with R.C.F. Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall not enter the jurisdiction of R.C.F. Police Station except for marking his attendance on the stipulated dates as mentioned hereinbelow.

(iii) After his release from the jail, the applicant shall attend the R.C.F. Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 3.00 p.m.

(iv) The applicant shall also attend all dates before the Trial Court.

(iv) The applicant shall not contact the victim/informant

and/or any other witnesses in the present crime.

(v) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(vi) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)