

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.653 OF 2017

Naresh Mariappa Ramoshi .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Satyavrat Joshi, Advocate, for the Applicant
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.260 of 2014 registered with the Bund Garden Police Station, District – Pune, for the alleged offences punishable under Sections 307, 323, 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Section 37(1) r/w.135 of the Bombay Police Act.

3. Learned counsel for the Applicant submitted that the role of the Applicant is similar to that of other co-accused who have been enlarged on bail i.e. Govind, Sanjay and Vijay. He

submitted that the allegation against the Applicant is that he assaulted the deceased and the Complainant with fist and kick blows. He submitted that all the eye witnesses to the said incident have also alleged that the Applicant alongwith Sanjay and Vijay assaulted the deceased and the Complainant with fist and kick blows and abused them verbally. He submits that the Applicant is ready to abide by any condition that may be imposed by this Court and that he is also ready to give an undertaking that he will comply with all the conditions that may be imposed.

4. Learned APP does not dispute the aforesaid facts. However, he submits that the Applicant was absconding for almost a year after his Anticipatory Bail Application came to be rejected some time in 2015. He submitted that there are no antecedents as against the Applicant.

5. Perused the papers.

6. The incident in question has taken place on 30.10.2014 at about 11.10 p.m.. In the said incident, the Applicant alongwith others are stated to have assaulted the deceased - Kariappa, the Complainant and two others with

weapons and with fist and kick blows. The deceased - Kariappa died on 07.04.2015 after almost six months from the date of the incident. The cause of death is stated to be "complication following head injury". The Applicant is alleged to have assaulted the deceased and the Complainant with fist and kick blows alongwith Sanjay and Vijay. Both, Sanjay and Vijay have been enlarged on bail by the trial Court. The Applicant's Anticipatory Bail Application was rejected on 03.07.2015 after which he was arrested in the present case in 2016 and has been in custody since then. There are no antecedents qua the Applicant. Since the Applicant was absconding for sometime, after his Anticipatory Bail Application was rejected, it is necessary in the interest of justice to impose stringent conditions.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on the **first and third Monday of every month** between **11:00 a.m. to 12:00 noon** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person 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 concerned Police Station;

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

(vi) The Applicant to file an undertaking with regard to clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

9. It is made clear that the observations made herein 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)