

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1767 OF 2017**

Vishal Diwar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Akhilesh Singh with Mr. Manish Dubey for the Applicant

Mr. R. M. Pethe, A.P.P for the Respondent-State

PSI Mr. Shaikh from Azad Maidan, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 79 of 2017 registered with the Azad Maidan Police Station, Mumbai, for the alleged offences punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code.

3. The complainant is Sopan Kamble. The incident has taken place on 6th March, 2017. It appears that the Republican Party of India (Athavale Group) had arranged a protest march at Azad Maidan, as

Dr. Krishna Kiravale was murdered at Kolhapur and to demand investigation of the said case by CBI. It appears that since there was a prohibitory order, the complainant was of the view that the protest should not be carried out. It is alleged by the complainant, that co-accused Shirish Chikhalkar came forward, pulled out a box (dabba) from a plastic bag and allegedly tried to pour a explosive liquid substance on the complainant's person. It is alleged that the applicant pulled out a match-stick and as he was about to set the complainant ablaze, the complainant's wife and a representative came and pulled the complainant aside. Admittedly, the complainant did not receive any injuries in the said incident. It appears that in the supplementary statement, the complainant has stated that the name of the applicant is wrongly mentioned in the FIR. He has stated that infact, some unknown persons were responsible for the same and that the names of the applicant and co-accused were wrongly mentioned. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid and in the facts of the case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or more local solvent sureties in the like amount;
 - (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 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 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.
5. The application is accordingly disposed of.

6. 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.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.