

Anand

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

BAIL APPLICATION NO. 707 OF 2018

Harishchandra M. Shirkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rajeev Patil, Senior Counsel a/w Mr. M. S. Sawant, for the
Applicant

Mrs. J. S. Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2018

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. 261 of 2017 registered with the Bhoiwada Police Station, Mumbai, for the alleged offence punishable under Section 326 of the Indian Penal Code (for short 'IPC').

3. Perused the papers. It appears that in a case lodged by the Complainant in 2009 alleging an offence punishable under Section 324 r/w 34 of IPC, the Complainant and his brother were acquitted on 22.11.2017. According to the prosecution, when the Judgment of

acquittal was pronounced, the Applicant who was the original Complainant in the case of 2009 case after hearing the Judgment, assaulted the Complainant and his brother in the Court premises, with a sharp weapon. The Applicant is aged 68 years. A perusal of the Injury Certificate shows that Mahesh Mahaprolkar has sustained one sharp cut right hand which is stated to be grievous injury and Nandesh Kadwadkar has sustained multiple CLWs on his person i. e. on the superior to head, on the right forearm, left shoulder dorsal aspect etc. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

4. 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. 20,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Monday of every month** between **10:00 a. m. and 11:00 a. m.**, for a period of 12 months from the date of his release;
- (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 in the conduct of the trial;

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

(vii) If there are two consecutive defaults in appearing before the trial Court or appearing before the investigating officer of the concerned police station or if there is breach of any of the conditions, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

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

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

(REVATI MOHITE DERE, J.)