

Anand

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

BAIL APPLICATION NO. 757 OF 2018

Pushkar Gyanchandra Pandey .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rahul Karnik, Advocate, for the Applicant

Mrs. Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.04.2018

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. 490 of 2017 registered with the Ghatkopar Police Station, Mumbai, for the alleged offences punishable under Sections 326 & 302 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the incident took place on 01.09.2017 at about 09.30 a. m.. It is alleged by the prosecution that there was a scuffle between the Applicant, who was working as a watchman and Rajesh Patel (deceased) and that in the

said scuffle, the Applicant gave a blow with a stick on Rajesh's head, pursuant to which Rajesh fell down. It appears that pursuant thereto, the Applicant and another person Guddu Singh took Rajesh to the hospital. The statement of the Complainant – Govindkumar Amarnath Patel (brother of deceased Rajesh) shows that when he reached the hospital, he asked Guddu Singh as to what had happened, pursuant to which, Guddu Singh disclosed to him, that there was a scuffle between the Applicant and Rajesh and that the Applicant assaulted Rajesh with a stick on his head. He has further stated that Guddu Singh disclosed to him that he resolved the dispute and thereafter, he (Guddu Singh) and the Applicant brought him to the hospital. It appears that after the assault, the Applicant also accompanied Guddu Singh, whilst taking Rajesh to the hospital. Whether or not, the offence is one under Section 302 or a lesser offence, is a matter which will be decided by the trial Court. The Applicant is in custody since 07.09.2017. It appears that the Applicant is disabled and is handicapped with his left hand and leg. The Applicant has annexed the Certificate of his disability at page No. 69 of the Application. The fact that the Applicant is disabled is also mentioned in the police report. Investigation is complete & charge-sheet is filed.

4. Considering the aforesaid, the Application is allowed & 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. 25,000/-** with one or more local solvent sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Sunday of every month** between **10:00 a. m. and 11:00 a. m.** till the conclusion of the trial;
- (iii) The Applicant shall not leave the jurisdiction of Mumbai & Thane City without prior permission of the trial Court;
- (iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) 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;
- (vi) The Applicant to cooperate with the conduct of the trial;
- (vii) The Applicant shall file an undertaking with regard to clauses (ii) to (vi), in the trial Court, within two weeks of his release;

(viii) If there are two consecutive defaults in appearing before the trial Court or appearing before the investigating officer of the concerned police station, 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.)