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

CRIMINAL BAIL APPLICATION NO.827 OF 2018

Sushil Chunnilal Naik@ Nayak	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.G.T.Kanchanpurkar, for the Applicant.

Ms.P.N.Dabholkar, A.P.P for the Respondent-State.

PN/3329 – Y.R.Salonhe, Palghar Police Station, Palghar.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2018

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.I-56 of 2018 registered with the Palghar Police Station, for the alleged offences punishable under Sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. Perused the papers. According to the complainant-Akash Kakad, the incident took place on 2nd March, 2018 at about 11.00 p.m.

during the Holi celebrations. It appears that there was a quarrel with regard to beating of the *dhol*, pursuant to which, the applicant is alleged to have assaulted the complainant with fist and kick blows. Thereafter, the applicant is alleged to have picked up a brick, lying at the spot and assaulted the complainant on his head from behind. A perusal of the injury certificate of the complainant, shows that the complainant has sustained an incised injury on the occipital region. Whether or not, the injury is grievous or not, is a matter which will be decided by the trial Court. It appears that one Mamta Roy has also received a simple injury, however the said injury is not alleged to have been caused by the applicant. Be that as it may, it appears that the incident took place at the spur of the moment. Investigation is almost over and charge-sheet will be filed within a week. The applicant has no antecedents.

4. Considering the aforesaid, 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 furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;
- vi) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.
6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)