

Anand

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

BAIL APPLICATION NO. 1066 OF 2018

Hardik Bharat Patel .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Sudeep Pasbola a/w Mr. V. Jagtap & Mr. R. Arote, Advocate, for the Applicant

Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2018

P.C.

. At the outset, learned counsel for the Applicant seeks leave to amend. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-68 of 2018 registered with the APMC Police Station, Navi Mumbai, for the alleged offences punishable under Sections 307, 323 & 452 of the Indian Penal Code.

4. Learned counsel for the Applicant submits that there was

no intention to commit the alleged offence. He submitted that the Applicant is alleged to have assaulted the injured with fist blows and that all the injuries except one are simple in nature. He submitted that the Applicant is after the fist blows alleged to have picked up a cable wire lying in the house and attempted to strangle the injured, however, the injured managed to rescue herself. He submitted that the Applicant is a third year Civil Engineering student, studying in Dnyaneshwar Vidyapeeth, Pune and that the Applicant is ready to abide by any condition that may be imposed by this Court, if enlarged on bail.

5. Perused the papers. It appears that the Applicant and the Complainant / injured were known to each other for about three years prior to the incident and were close friends. According to the Complainant / Injured, the Applicant would meet her regularly and that on one occasion, the Applicant demanded sexual favour which she refused; that pursuant thereto, she broke all relations with the Applicant, however, in spite of the same, the Applicant would call her. According to the Complainant / injured, the incident took place on 13.03.2018 after her brother and parents had left home to attend a wedding; that at about 4.00 p. m. when she was alone, the Applicant came to her house and questioned her as to why she was not talking to him and was talking to

others; that the Applicant assaulted her on the face with fist blows; that thereafter, the Applicant picked up a cable wire lying in the house and attempted to strangle her, however, the injured saved herself. A perusal of the Injury Certificate shows that the Complainant / Injured has sustained injuries on her forehead, forearm, even on the neck, back and nose. All the injuries are simple in nature. The injury on the nose is stated to be a grievous injury. The Applicant is studying in the third year Civil Engineering. It appears that major part of the investigation is over.

6. 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 **cash bail** in the sum of Rs. 25,000/-, for a period of six weeks from today;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(iii) The Applicant shall report to the investigating officer of the concerned police station on **every Sunday** between **10:00 a. m. and 11:00 a. m.** till the filing of the charge-sheet and thereafter, on the **first Sunday of every month** between 10:00 a. m. and 11:00 a. m. till the

conclusion of the trial;

(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 not enter the jurisdiction of the APMC Police Station for a period of 12 months after his release, except for the purpose of attending the concerned police station;

(vi) 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;

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

(viii) If there are two consecutive defaults in appearing before the trial Court or reporting to the police station, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

7. 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.)