

Anand

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

BAIL APPLICATION NO. 1113 OF 2019

Pravin Vyankatesh Telgu

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Ashutosh M. Dubey, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.07.2019

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. I-217 of 2018 registered with the Dombivali Police Station, Thane, for the alleged offences punishable under Sections 307, 323, 324, 504, 506 r/w 34 of the Indian Penal Code, Sections 4 & 25 of the Arms Act, under Section 37(1) & 135 of the Maharashtra Police Act and Sections 3(1)/181, 5(1)/181 & 24(1)/181 of the Motor Vehicles Act.

3. Perused the papers. The incident is alleged to have taken

place on 06.07.2018. According to the Complainant / Injured – Narendrasingh Patil, the incident took place, when he was walking with his friends – Ayub Shaikh and Suraj Patil. He has stated that suddenly, an auto rickshaw came in a high speed and crossed them; that he questioned the auto rickshaw driver, why he was driving so fast, pursuant to which, the driver pulled the rickshaw on one side and pulled out a chopper and attacked him (Complainant) and that the Applicant who was also in the auto rickshaw, pulled out a chopper from the rickshaw. It is alleged by the Complainant that thereafter, the accused assaulted him with a chopper. A perusal of the statement of Ayub Ajij Shaikh, recorded under Section 164 of the Cr. P. C. shows that he too was present at the spot when the alleged incident took place. The said witness has not attributed any overt act i. e. assault by the Applicant on the Complainant with a chopper. He has stated that the Applicant picked up a brick and threw it towards the Complainant. Learned counsel for the Applicant has also tendered an Affidavit of the Applicant, aged 21 years. The same is taken on record. In the said Affidavit, the Applicant has stated that he would not indulge in any offence and that he will abide by the order passed by this Court. The Applicant is in custody since 07.07.2018. Investigation is complete and charge-sheet is filed.

4. Considering the role attributed to the Applicant as well as the Affidavit of the Applicant, 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 P. R. Bond in the sum of **Rs. 15,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 1.00 p. m.** 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 to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

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

(vi) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek

cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and 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.

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

(REVATI MOHITE DERE, J.)