

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1425 OF 2019**

Kumar Vilas Sable ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. S. V. Marwadi I/b Mr. N. M. Nadar for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 29th JULY 2019

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-128 of 2018 registered with the Nalasopara Police Station, for the alleged offences punishable under Sections 302, 120B, 201 and 34 of the Indian Penal Code.

3 Perused the papers. According to the prosecution, accused No.1-Vishal Mangesh Yadav along with 3-4 persons assaulted the deceased-Pravin Divekar on 6th April 2018 at 1:30 p.m. The complainant-Asha Divekar is the wife of the deceased-Pravin. According to the eye-

witness-Reshma Jadhav, she saw co-accused-Vishal along with four unknown persons assaulting the deceased. Admittedly, identification parade has not been held. There is no recovery or any other admissible evidence as against the applicant.

4 Learned counsel for the applicant states that the applicant has no antecedents. The applicant is in custody since 16th May 2018. Investigation is complete and charge-sheet is filed.

5 Considering the aforesaid, the application is allowed on the following terms and 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 attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 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 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 with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(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 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.

- 6 The application is accordingly disposed of.
- 7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.