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

CRIMINAL BAIL APPLICATION NO.1673 OF 2019

Nagesh Babu Awalgiri	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.D.Joshi, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th 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-414 of 2018 registered with the Mahatma Phule Chowk Police Station, Thane, for the alleged offences punishable under Sections 307, 353, 332, 279, 201 and 34 of the Indian Penal Code and under Sections 122/177, 21(18), 3(1)/181, 5(1)/180 and 24(1)/124 of Motor Vehicle Act.

3. Perused the papers. The incident in question took place on 9th October, 2018 at about 5.00 p.m. According to the complainant – Police Constable – Asha Gavande, she was on duty on the said day. She has stated that whilst on duty, she found that the applicant had parked his auto-rickshaw in the middle of the road and as such was creating obstruction in the smooth flow of the traffic. She has stated that she therefore approached the applicant and asked him to move his auto-rickshaw. According to the complainant, the applicant started abusing her in filthy language. The complainant has further alleged that when she asked the applicant to show his licence and permit, the applicant questioned her authority and started arguing with her. She has further alleged that instead of taking the auto-rickshaw aside, the applicant pushed her and drove the auto-rickshaw in a high speed, however as she had held the auto-rickshaw by her hand, she was dragged alongwith the auto-rickshaw. According to the complainant, despite the fact that the applicant saw her being dragged, he did not stop the auto-rickshaw. The said auto-rickshaw was stopped by the eye-witnesses, after about 50 to 60 meters of the incident. When the auto-rickshaw stopped, the complainant fell down, pursuant to which, she sustained injury on her right knee and her uniform was torn. The

complainant has also sustained a CLW on her left hand. The nature of injuries sustained by the complainant are simple in nature. The applicant is in custody since 9th October, 2018. Investigation is complete and charge-sheet is filed.

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.10,000/- 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, 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 commit similar offence;
- v) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;
- vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant , in the Registry of the trial Court, within two weeks of his release;
- viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, 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.