

Anand

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

BAIL APPLICATION NO. 1700 OF 2019

Ramvir Ramroop Chaudhari .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Datta Mane, Advocate, for the Applicant

Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.09.2019

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. 115 of 2019 registered with the Andheri Railway Police Station, Mumbai, for the alleged offences punishable under Sections 324, 326A of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Gayatri Suresh Anchan, the incident took place on 18.01.2019 at about 9.20 a. m. when she was walking on a pedestrian bridge. The Complainant has alleged that she realized that some sticky and hot substance had fallen on her person, resulting in irritation to her skin. The Applicant was apprehended on the spot by the police, who were

patrolling in civil dress. It appears that the Applicant would throw instant adhesive on the passerby's, for fun, to watch their reaction. It also appears that there are similar cases registered as against the Applicant for the similar acts. On the last date, learned APP had shown the Medical Health Report of the Applicant which shows his signs and symptoms were suggestive of mental illness. Learned counsel for the Applicant has tendered an Affidavit of the Applicant's parents – Ramroop Verma and Darshana Verma. The same is taken on record. In the said Affidavit it is stated that their son is suffering from “Acute Psychotic Episode”. It is further stated in the said Affidavit that after the Applicant's release on bail, the Applicant will live with his mother's sisters husband at C/o. Kamal Niwas, Bhattipada Road, Bhandup (W), Mumbai – 400 078. The Applicant's parents have also undertaken to ensure that the Applicant does not threaten any witness in the case or tamper with the prosecution witness and that he does not commit similar offence in future.

4. Learned APP does not dispute the mental condition of the Applicant, that he is suffering from “Acute Psychotic Episode”.

5. The Applicant is in custody since 18.01.2019. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

O R D E R

(i) The Applicant be released on **cash bail** in the sum of Rs. 10,000/-, **for a period of six weeks**;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of **Rs. 10,000/-** with one or two sureties in the like amount;

(iii) 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 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 and shall not commit similar offence;

(v) 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;

(vi) The Applicant shall not leave Mumbai / Thane without the prior permission of the trial Court;

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

(viii) 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.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.)