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

CRIMINAL BAIL APPLICATION NO.2110 OF 2019

Dinesh Savanti Kanojia	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Aniket Vagal, for the Applicant.

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

PSI – Vijay Kadam, Kurar Police Station, Mumbai, is present.

**CORAM : REVATI MOHITE DERE, J.
DATE : 9th OCTOBER, 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.623 of 2018 registered with the Kurar Police Station, Mumbai, for the alleged offences punishable under Sections 307, 504 of the Indian Penal Code and under Sections 3, 25 and 27 of the Arms Act.

3. Learned Counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record and marked 'X' for identification. In the said affidavit, the applicant has undertaken not to reside in the area of Gokul Nagar, Akurli Road, Kandivali (East), till the

conclusion of the trial. He has also undertaken that after his release, he will not indulge in illegal activities or possess/use any firearms for rest of his life. The applicant has also undertaken to attend the trial Court on every date of hearing. Learned Counsel for the applicant states that although the applicant has an antecedent, the said case is of the year 2005 and during the period from 2005 to 2018, not a single case is registered as against the applicant.

4. Learned APP states that the ballistic report shows that the bullet was fired by the applicant from his country made revolver. He submits that the applicant has a similar case registered against him under the Arms Act, in the year 2005.

5. Perused the papers. According to the complainant – Buddhadev Vishwakarma, the incident took place on 14th November, 2018 at about 10.00 p.m. It is alleged that there was a quarrel between the applicant and the complainant's sons, as the applicant was asking them not to play in front of the complainant's house. It is alleged that the applicant had consumed alcohol. It is further alleged that the applicant came in front of the complainant's house and started abusing, pursuant to which, the applicant's son – Dheeraj and daughter-in-law also came out and tried to

give an understanding to the applicant, however, the applicant pulled out a country made revolver from his waist and pointed towards the complainant. It is alleged that the complainant's son – Dheeraj pushed the applicant, pursuant to which, the bullet got fired in the air. It is further alleged that the applicant again fired and the bullet brushed Dheeraj's ear. It is alleged that Vijay picked up a bamboo stick and gave a blow on the applicant's back, pursuant to which, the country made revolver fell down and the applicant fled from the spot. It appears that an incident did take place on 14th November, 2018, in which the applicant fired from his country made revolver. The ballistic report shows the happening of an incident of firing, although none have suffered any injuries. It appears that as the complainant's son pushed the applicant, the complainant did not received any injury. The applicant is in custody since November, 2018. Investigation is complete and charge-sheet is filed.

6. Having regard to the aforesaid and in particular the affidavit filed by the applicant, the application is allowed on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;

- ii) The Applicant shall attend the Kurar Police Station, Mumbai, on the first Saturday of every month, between 10:00 a.m. and 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 enter the jurisdiction of Kurar Police Station, Mumbai, except for the purpose of attending the police station, as mentioned in clause (ii), till the conclusion of the trial;
- 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.

7. The Application is allowed and disposed of in above terms.

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.

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

REVATI MOHITE DERE, J.