

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2134 OF 2019**

Dilip Eknath Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kabul Singh Labana for the Applicant

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

PSI Mr. Mangesh Jadhav from Central Police Station, Thane City, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 14th 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. I-331 of 2018 registered with the Central Police Station, Thane, for the alleged offences punishable under Sections 302, 324, 143, 147, 148, 149 of the Indian Penal Code.

3 Perused the papers. According to the prosecution, the incident took place on 8th November 2018 at about 10:45 p.m. The complainant-Karan Bhalerao has alleged that the applicant along with all other co-accused came to the spot and started abusing and assaulting the deceased-

Navin Chowdhary and eight other persons. It is alleged that co-accused-Parvez (juvenile accused) pulled out a knife from his pocket and assaulted the deceased with a knife. The applicant is alleged to have been armed with an iron rod. No overt act is attributed to the applicant. A perusal of the post-mortem report shows that the deceased-Navin had sustained only one incised stab injury, which was the cause of his death. The said injury is attributed to co-accused-Parvez. It appears that no other persons were injured in the said incident.

4 Learned A.P.P, on instructions, states that the applicant was on interim anticipatory bail, during which period, the aforesaid incident had taken place. She submits that the applicant's mother has also threatened one of the panch witness.

5 As far as the present case is concerned, having regard to the role played by the applicant, the applicant is entitled to be enlarged on bail, however, subject to stringent conditions. Accordingly, 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 local 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, till the conclusion of the trial;

(iii) The applicant shall not enter the jurisdiction of Central Police Station, Thane, except for the purpose of attendance, 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;

(v) 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;

(vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(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.

6 The application is accordingly disposed of.

7 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.

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

REVATI MOHITE DERE, J.