

Anand

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

BAIL APPLICATION NO. 2135 OF 2019

Mangesh Kisan Karandekar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Sachin R. Pawar, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State
Mr. Vivek Dabholkar, API, Rabale MIDC Police Station, Navi Mumbai
present

CORAM : REVATI MOHITE DERE, J.

DATE : 09.09.2019

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. 22 of 2019 registered with the Rabale MIDC Police Station, Navi Mumbai, for the alleged offences punishable under Sections 324, 307, 387, 504, 427, 143, 147, 148 & 149 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the incident took place on 03.02.2019. It is alleged by the Complainant that he was in his shop at about 6.15 p. m., when the Applicant came to his shop and asked him money to purchase alcohol. It is alleged by the

Complainant that he told the Applicant that he had no money, pursuant to which the Applicant got annoyed and left the spot. According to the Complainant, at about 6.45 p. m., the Applicant came to his shop alongwith his father, one Suresh and an unknown person. It is alleged that the Applicant had one steel pipe in his hand and asked the Complainant to come outside his shop. It is alleged that all the accused persons verbally abused the Complainant in a foul language and thereafter, started assaulting him. The Applicant is alleged to have assaulted the Complainant on his head with a steel pipe. A perusal of the Injury Certificate shows that the Complainant – Vinaykumar Gupta has received five injuries i. e. an injury on the right parietal region, right eyebrow, nasal bridge and abrasion on chest and neck. All the said injuries are stated to be simple injuries. It appears that with respect to the said incident, there is a cross case filed from the Applicant's side, which was registered vide C. R. No. 25 of 2019. In the said incident, it appears that the Applicant also sustained an injury on his left foot which is stated to be a simple injury. Be that as it may, the Applicant is in custody since 07.02.2019. 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 & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or two sureties in the like amount;
- (ii) 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.** for a period of 24 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 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;
- (v) The Applicant to co-operate with the conduct of the trial;
- (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.

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

6. 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.)