

Anand

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

**BAIL APPLICATION NO. 2165 OF 2019**

Manoj Shankar Gohil

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Dinesh Tiwari a/w Mr. Swapnil Ambure i/b. Dinesh Tiwari & Associates, Advocate, for the Applicant

Mr. S. S. Hulke, APP, for the Respondent – State

Mr. Mikhail Dey i/b. Ms Tanvi Mehta, Advocate, for the Complainant

Mr. Ravindra Wani, PI, Narpoli Police Station, Thane present

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 08.08.2019**

**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. 335 of 2019 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 365, 368, 341 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the victim – Rustum Gurung, he met the Applicant's sister, a married woman with three

children, as they were working in the same factory. Rustum has alleged that on 05.06.2019, the Applicant alongwith three others abducted him, took him to jungle, where he was assaulted and threatened not to meet the Applicant's sister. The Applicant is also alleged to have taken Rustum to an ATM where Rs.1,500/- was withdrawn. Learned counsel for the Applicant submits that the incident has been settled by the parties. He submitted as Rustum was in a relationship with the Applicant's sister, a married lady with children, the Applicant was against the said relationship, pursuant to which the said incident took place. He further submits that both, Rustum as well as the Complainant – Ratula Boruva do not wish to pursue the said case. Mr. Dey, Advocate appearing for the Complainant and Rustum re-iterates that the matter has been settled.

4. Be that as it may, without going into the aspect that the matter has been settled by the parties, since charge-sheet is filed and having regard to the nature of allegations as against the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

### **ORDER**

(i) The Applicant be released **on cash bail** in the sum of

Rs. 15,000/-, **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. 15,000/- with one or two sureties in the like amount;

(iii) The Applicant shall attend the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 12.00 noon** for a period of 12 months from the date of release;

(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 shall not leave Mumbai & Thane City, till sureties as directed are furnished;

(vi) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

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.)**