

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

CRIMINAL BAIL APPLICATION NO. 2177 OF 2019

Gaurav Vikas Gade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Roseline Nadar, for the Applicant.
 Mr. P.H. Gaikwad-Patil, A.P.P for the Respondent - State.
 PSI Trupti Patil, Charkop Police Station.

***CORAM : REVATI MOHITE DERE, J.
DATE : 14th August, 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. 168 of 2019 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 326, 323, 504, 506, 34 of the Indian Penal Code.

3. According to the prosecution, the incident took place on 08/06/2019 at around 1-00 am. According to the complainant-Premchand

Chauhan, he was running a hotel by the name 'Chauhan Tea Coldrink Snacks Corner' alongwith his brother. He has alleged that on 8/06/2019, he closed his business at 12.30 am and was sitting outside the hotel premises with his two workers i.e. Santosh and Phulchand and his elder brother and nephew and having dinner. He has further stated that at about 1-00 a.m. four boys from Gorai came to the hotel and asked for food. According to the complainant, he told the said boys that the hotel was closed, pursuant to which the said four boys threatened his brother, that if food was not served to them, they would break the items in the hotel. Pursuant to the threat, his brother cooked the food and served the said four persons. It is alleged by the complainant that after having food when the complainant asked them to pay the bill, they started abusing the complainant and his brother, and also assaulted them with fist blows. It is alleged that after some time Subhash and applicant-Gaurav picked up a bamboo stick and rod lying near the spot and assaulted the complainant and his brother with the same and thereafter, fled from the said spot. The injury certificate shows that the complainant Premchand has sustained two injuries i.e. on his left hand and right hand (both fractured). It also appears that apart from fractures, the complainant has also sustained an injury on his head. It is informed that investigation is

over and charge-sheet is filed as against the applicant. The applicant has no antecedents. The applicant is in custody since 09/06/2019.

4. Considering the aforesaid 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.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, between 10:00 a.m. to 11:00 a.m., for 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 shall co-operate in the conduct of the trial and attend all the dates before the trial Court, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) 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.

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

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.

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

(REVATI MOHITE DERE, J.)