

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2342 OF 2019

Mayur Mahadev Salunkhe

Applicant

versus

The State of Maharashtra

Respondent

Mr.Niranjan Bhavake for applicant.

Mr.S.H.Yadeav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 2nd December 2019

PC :

1. This is an application for bail in CR No.42 of 2019 registered with Umbraj Police Station for offences under Sections 307, 143, 147, 427, 336, 149, 504, 506 of Indian Penal Code and under Sections 4 and 25 of Arms Act. The applicant is arrested on 6th March 2019.

2. The prosecution case is that on 7th February 2019 at about 11 pm, the applicant and other accused came near the house of complainant. It is alleged that one Vaibhav Gharge was murdered. The son of complainant is involved in murder of Vaibhav Gharge. The accused and the co-accused formed unlawful assembly and in prosecution of their common object, threatened to finish the complainant and her family members. It is alleged that the accused were armed with weapons and they also stated that the inmates would be killed. The accused had also stated that the house will be set on fire. However, all of them had left the place of incident. The

applicant and several other persons were arrested. The co-accused are granted bail.

3. Learned counsel for applicant submitted that Section 307 of IPC is not attracted in the present case. Other offences are bailable in nature. The applicant is in custody from the date of arrest. Investigation is completed and charge sheet is filed.

4. Learned APP submitted that the applicant is habitual offender. One more FIR was registered against the applicant on 8th February 2019 vide CR No.3 of 2019 with same police station. Apart from the present case and CR No.43 of 2019, four other cases are registered against applicant in which he is on bail.

5. Having heard both sides I have also perused the documents on record. Taking into consideration the allegations as it is, it is doubtful whether Section 307 is attracted in the present case. The complainant has alleged that the applicant and others had threatened that the inmates would be killed. However, the accused did not implement the threats into action. The applicant is in custody from 6th March 2019. The charge sheet is filed against him. Although there are antecedents against the applicant, taking into consideration allegations in the present case, bail has to be granted to the applicant on certain conditions. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2342 of 2019 is allowed and disposed of;

- (ii) The applicant is directed to be released on bail in connection with CR No.42 of 2019 registered with Umbraj Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall stay out of the jurisdiction of Umbraj Police Station till conclusion of trial;
- (iv) The applicant shall communicate his address where he would reside after release on bail, to the investigating officer;
- (v) The applicant shall attend nearest Police Station where he would reside, once in a month on every first Saturday between 10 am 12 noon till conclusion of trial;
- (vi) The applicant shall not tamper with evidence and shall attend the Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST