

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

CRIMINAL BAIL APPLICATION NO. 2414 OF 2019

Harshal Ram Mohite

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal, Advocate for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 17th SEPTEMBER, 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 - 396 of 2018 registered with the Narpoli Police Station, Thane for the alleged offences punishable under Sections 307, 364, 323, 504, 506, 143, 145, 147, 149 and 34 of the Indian Penal Code and read with 37 (1) and 135 of the Maharashtra Police Act.

3 According to the complainant / injured – Govind, the incident took place on 02.10.2018 at about 06:30 p.m. when he was sitting with his friends to drink toddy at Yeur, Thane. It is alleged by the complainant /

injured that the applicant had come to the spot with other co-accused i.e. Shabbir Shaikh, Guddu and Shubham. It is alleged that Shabbir Shaikh pointed towards the complainant and started assaulting him. He has alleged that pursuant thereto, other co-accused also started assaulting him with fist and kick blows. It is further alleged that all the accused forcibly made the complainant sit in the rickshaw and that Guddu placed a knife on his neck and threatened him. He has further stated that thereafter, the rickshaw was taken to Kasheli Khadi, where again the accused including the applicant assaulted him with kick and fist blows. As far as the applicant is concerned, he is alleged to have assaulted the complainant with fist and kick blows.

4 A perusal of the injury certificate of the complainant shows that he has sustained four injuries, which are stated to be simple in nature. The injuries are CLW on left cheek, abrasion on left iliac region and contusion on left and right eye. The applicant has no antecedents. The applicant is in custody since October 2018. Investigation is complete and charge-sheet is filed.

5 Considering the role ascribed to the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 10,000/-, for a period of four weeks;
- (ii) The applicant shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (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 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 cooperate with the conduct of the trial

and attend all the dates before the trial Court, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (iii) 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.

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.)