

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2521 OF 2019**

Suresh Govind Kale @
O. M. Nagesh Chaure
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Bhagat Sharan Gopal for the Applicant

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

API Mr. Ganesh Patil from Nehru Nagar Police Station, Kurla, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 18th OCTOBER 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-165 of 2019 registered with the Nehru Nagar Police Station, Kurla, Mumbai, for the alleged offences punishable under Sections 353, 332, 420, 511, 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Vinod, the incident took place on 24th May 2019 at about 4:30 p.m, when he was patrolling the area of Shivaji Maidan, Nehru Nagar, Kurla (East). The

complainant has alleged that when he reached near the Aryan Hospital, he saw two unknown persons chatting with an elderly lady on the street. The said unknown persons were telling the lady to remove her gold necklace and keep it in her bag. Suspecting something fishy, the complainant called one police constable. According to the complainant, when the unknown persons realised that the complainant was watching them, they tried to run from the spot. It is alleged by the complainant that when he showed his ID proof, the said unknown persons tried to flee from the spot, pursuant to which, the complainant caught one person. The other person (applicant) is alleged to have assaulted the complainant with fist and kick blows and the first person is alleged to have pushed the complainant. Injuries of the complainant are stated to be simple injuries.

4 Learned counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record. In the said affidavit, the applicant has undertaken not to commit similar offence in future and has also undertaken to abide by the conditions imposed by this Court. He has also undertaken to remain present before the trial Court on every date. The applicant is in custody since six months. Investigation is complete and charge-sheet is filed. It appears that the applicant has antecedents and hence, stringent conditions are imposed.

5 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two local sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first and third Saturday of every month from 10:00 a.m. to 11:00 a.m, for a period of 24 months from the date of his release and thereafter, once a month on the first Saturday of every month from 10:00 a.m to 11:00 a.m, till the conclusion of the trial;

- (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 (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.

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.