

Dusane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2637 OF 2019

Siddhesh Rajendra Mohite Applicant

Vs.

The State of Maharashtra Respondent

Mr. S.G. Kudle, Advocate, for the Applicant
Mr. Shakil Ahmed, Advocate for Complainant.
Ms. P.P. Shinde, APP, for the Respondent – State
Mr. Sandip Mhaske, API, Dindoshi Police Station, present

CORAM : REVATI MOHITE DERE, J.

DATE : 24.09.2019

PC.

1. Heard learned counsel for the parties.
2. By this Application, the Applicant, who is 19 years old and a student seeks his enlargement on bail in connection with C.R. No. 391 of 2019 registered with Dindoshi Police Station, Mumbai, for the alleged offences punishable under Sections 394, 324, 448, 141, 143, 145, 147 and 149 of the Indian Penal Code.

3. Perused the papers. The incident is alleged to have taken place on 5th August, 2019 at about 8.30 pm. partly inside the dairy and partly outside. With respect to the said incident, there is a cross-F.I.R. filed by the present applicant, which was registered vide C.R. No. 392 of 2019 as against the complainant in the present C.R. i.e. Rajiv Shukla for the alleged offences punishable under Sections 324, 323 read with 34 of Indian Penal Code.

4. Perusal of the injury certificate of the complainant, Rajiv Shukla shows that he has sustained CLW over left eyebrow, injury to upper back, left hand and scratches on his chest and some injuries on the left temporal region.

5. It is not in dispute that the incident has taken place on the spur of moment. There is no recovery from the applicant. The applicant is a student, who has his examinations, scheduled in the next week. The applicant has no antecedents.

6. Considering the aforesaid, 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 six weeks.
 - (ii) The applicant shall within the said period of six weeks, furnish PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
 - (iii) The applicant shall report the concerned police station on every Sunday from 10.00 am. to 11.00 am. till the filing of the charge-sheet.
 - (iv) The applicant shall not contact the complainant or any other witness concerned with the said case;
 - (v) 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 concerned Police Station;
 - (vi) The applicant to cooperate with the conduct of the trial;
7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8 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.

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

(REVATI MOHITE DERE, J.)