

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

CRIMINAL BAIL APPLICATION NO. 2626 OF 2018

Shivaji @ Shiva Kalyan Thakur	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. Sandeep Mishra for the applicant.
Mr. Prashant Jadhav, APP for the Respondent-State.
Mr. S.R. Sahare, PSI, Shrinagar Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 7th FEBRUARY, 2019.

P.C.

1. Applicant is seeking bail in connection with CR No. I-110 of 2014 registered with Shreenagar Police Station for the offence punishable under Sections 307, 326, 323, 504, 144, 146, 147, 148 and 149 of Indian Penal Code and Section 37(3) and 135 of the Bombay Police Station. First Information Report was lodged on 2nd May, 2014.

2. Case of the prosecution is that the complainant was assaulted by wooden log by the co-accused Vicky Bhosale. The applicant and others had allegedly assaulted him by fist blows. Applicant was arrested on 21st September, 2017. Apparently,

applicant was in custody in another case.

3. Learned APP submitted that trial has already commenced and four witnesses are already examined. It is further submitted that co-accused was granted bail is absconding and NBW has been issued against him. Learned counsel for the applicant submitted that the evidence of the prime witness is already recorded and he has not deposed anything against the applicant. It is further submitted that other accused were granted bail.

4. Learned APP further pointed out that four other cases are registered against him including the case under Section 302 of Indian Penal Code. Learned counsel for the applicant submits that applicant is on bail in the case under Section 302 of Indian Penal Code. It is pertinent to note that role assigned to the applicant is that he has assaulted the victim by fist blows and he is in custody from the date of arrest. Evidence of the injured witnesses is already recorded and he has not deposed any incriminating evidence against the applicant.

5. Considering the aforesaid circumstances, further detention of the applicant is not necessary. Hence, I pass the following order.

ORDER

i. Criminal Bail Application is allowed;

- ii. Applicant is directed to be released on bail in connection with CR No. 110 of 2014 registered with Shrinagar Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the concerned Police Station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;
- iv. Applicant shall not tamper with the prosecution witnesses;
- v. Applicant shall attend the trial Court on the date of hearing of the case, unless exempted by the trial Court;
- vi. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)