

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 1577 OF 2020**

Jitendra Anil Yadav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Dnyaneshwar Deshmukh for Applicant.

Mrs.Veera Shinde, A.P.P. for Respondent-State.

Mr.S.B. Parkhe, Police Sub-Inspector, Ulhasnagar Police Station.

CORAM : A.S. GADKARI, J.**DATE : 23rd August 2021.****PC. :**

1. This is a successive application for bail under Section 439 of Criminal Procedure Code. The Applicant is seeking bail in connection with CR No. 35 of 2018, dated 25th February 2018, registered with Ulhasnagar Police Station, District Thane for the offence under Section 307, 353, 332, 333, 324, 323, 504, 143, 147, 148, 149 of Indian Penal Code.

2. The earlier application preferred by the Applicant was dismissed as withdrawn by an Order dated 13th March 2019. The Applicant is accused No.1 in the crime. The allegation against the Applicant is that, he along with other accused persons assaulted the first informant-Police Officer, performing his lawful duty, on his head when the concerned Police Officer had been to the

house of the Applicant for calling him to the Police Station in respect of an inquiry. It is alleged that, the Applicant along with other accused persons assaulted first informant and also attacked other members of the police party on the date and time of incident. The Medical Certificate issued by the Medical Officer, Central Hospital, Ulhasnagar mentions that, the informant has received two lacerated wounds on his parietal region. The investigation of the present crime is completed long back and the police have already submitted chargesheet in the year 2018 itself. The Applicant, as of today, has undergone approximately 3 and half years as pre-trial incarceration.

Learned A.P.P, on instructions, submitted that, there are no antecedents at the discredit of the Applicant.

3. It appears from the record that, the present crime is only case against the Applicant. It further prima-facie appears that, when the police personnel had been to the house of the Applicant to call him to the Police Station on the date and time of the incident, the Applicant in a fit of rage assaulted the informant with an iron rod. The weapon used by the Applicant has already been seized by the police by effecting panchanama under Section 27 of the Indian Evidence Act.

The record further indicates that, till date the prosecution has not framed charge in the present case. That, the possibility of conclusion of trial in present case in near future appears to be blink.

4. In view of the above, the Applicant can be released on bail.

Hence, following Order.

- (i) Applicant be released on bail in CR No. 35 of 2018, dated 25th February 2018, registered with Ulhasnagar Police Station, District Thane on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the Applicant shall attend Ulhasnagar Police Station on every first Monday of the month between 10.00 a.m and 12.00 noon, till conclusion of trial.
- (iii) Applicant shall attend all the dates before the Trial Court, unless precluded for medical reasons.
- (iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]