

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

BAIL APPLICATION NO. 72 OF 2021

Mallinath Govind Mane

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Aniket Vagal for the Applicant.

Mr. M.G. Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.7/2021 arising from C.R.No.385/2020 registered with Samta Nagar Police Station for offences punishable under sections 307, 323, 324, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Aniket Vagal, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Yogesh Dilip Salunkhe. A perusal of the FIR reveals that on 20/06/2020, at about 18:00 hours, the Applicant had assaulted the complainant and his brother – Avinash Salunkhe by means of iron rod. It is stated that the co-accused – Nagesh Mane was armed with a knife and that he inflicted injuries on Nagesh Salunke. The medical certificate reveals that the complainant had sustained CLW on perineal region of scalp and CLW on ear whereas his brother – Avinash had sustained CLW on forehead. The injuries sustained by the complainant and others are stated to be simple in nature. Prima facie, there is no material on record to indicate that the Applicant had an intention to cause the death of the complainant or his brother.

4. The Applicant is in custody since 20/06/2020. It is stated that till date, charge is not framed. Considering the large pendency, there is no possibility of the trial being concluded within a reasonable time. Under the circumstances, in my considered view, this is a fit case for grant of bail. Hence, the Bail Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.7/2021

arising from C.R.No.385/2020 registered with Samta Nagar Police Station, is ordered to be released on cash bail in the sum of Rs.30,000/- for a period of four weeks ;

- (ii) The Applicant shall, within the said period of four weeks, furnish P.R. bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount ;
- (iii) The Applicant shall report to Samta Nagar Police Station once in two month on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders;
- (iv) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (vi) The Applicant shall co-operate with the conduct of the trial

and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.04.21
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(SMT. ANUJA PRABHUDESSAI, J.)