

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1335 OF 2022**

Himanshu Basantpuri Goswami @ Vikram ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Satyavrat Joshi i/b Mr. Nitesh Jaywant Mohite for the Applicant.

Mr. P.H. Gaikwad, APP for the State.

Mr. H.S. Venegaonkar a/w Mr. Aayush Kedia for Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 5 DECEMBER 2022

P.C. :-

The learned counsel for the applicant seeks leave to amend the cause title. Leave as sought is granted. Amendment shall be carried out forthwith.

2. This is an application under Section 439 of Code of Criminal Procedure for bail.

3. The applicant came to be arrested in Crime No. 121 of 2021 registered at Nani Daman police station for the offence punishable under Section 307, 324, 504, 506 read with 34 of Indian Penal Code.

4. It is the case of the prosecution that on 25 November 2021 at about 21.50 hours the present applicant and other co-accused assaulted the complainant and his friend Tarun Bhanushali by stick, spade and plastic pipe and attempted to kill them.

5. I have heard the learned counsel for the applicant and the learned standing counsel for the respondent.

6. The incident took place at Harsh Bar and Restaurant, Dabhel, Nani Daman. The applicant at the relevant time was working as manager of said Bar and Restaurant. It appears that some dispute arose between the injured Tarun and present applicant over payment of bill and then the alleged incident took place. Thus, prima facie the incident does not appear to be premeditated. The applicant is in jail for more than one and half years. There are no criminal antecedents. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) The application is allowed.
- (ii) The applicant- Himanshu Basantpuri Goswami @ Vikram shall be released on bail in Crime No. 121 of 2021 registered at Nani Daman police station for the offence punishable under Section 307, 324, 504, 506 read with 34 of Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)