

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

BAIL APPLICATION NO.2384 OF 2021

Vikram Suresh Mural

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Silvin Y. Kale for the Applicant.

Mr. M.G. Patil, APP for Respondent -State.

Mr. Nandkishor R. Bodane, PSI, Kandivali Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd MAY, 2022.

P.C.:-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.310 of 2021 pending on the file of the learned Sessions Judge, Dindoshi.

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

3. Pursuant to the complaint lodged by Smt. Gauri Lingayat, Crime No. 955 of 2020 for offences punishable under sections 143, 144, 145, 147, 148 307, 323, 326, 385, 504 506(2) r/w. 149 of the IPC was

registered against the Applicant and other co-accused at Kandivali police station. Case of the prosecution is that on 13/12/2020 the Applicant and the other co-accused went to the hotel, which was run by Shivkumar, husband of the Complainant and demanded extortion amount. It is stated that when the injured Shivkumar expressed his inability to pay the money the Applicant and others assaulted him with deadly weapons and attempted to cause his death.

4. It is to be noted that the Complainant has not named the Applicant in the FIR. Nevertheless, the statement of the injured witnesses and son of the injured shows involvement of the Applicant in the said crime. They have stated that the Applicant had hit Shivkumar with a stone. The injured Shivkumar was taken to Babasaheb Ambedkar Hospital on the same date. The injury certificate reveals that injury sustained by Shivkumar is simple in nature. The injuries mentioned in the medical certificate issued by a private hospital are not in consonance with the injuries stated in the injury certificate issued by Dr. Babasaheb Ambedkar Hospital.

5. The material on record also reveals that Rakesh, brother of the Applicant herein had also lodged a complaint against the injured-Shivkumar for assaulting him. The records reveal that the brother of the

Applicant had sustained grievous injuries in the said incident. It appears to be a case of free fight between both the groups wherein both parties have sustained injuries. The Applicant is in custody since 03/03/2021. It is stated that the charge is not yet framed. Considering the large pendency of the cases, the trial is not likely to conclude within reasonable time.

6. In view of the above facts and circumstances, the Applicant is entitled for bail. Hence, the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial in Sessions Case No.310 of 2021 pending on the file of the learned Sessions Judge, Dindoshi, is ordered to be released on cash bail in the sum of Rs.30,000/- for a period of four weeks;
- (ii) During the said period of four weeks, the Applicant shall furnish the PR bonds in the sum of Rs.30,000/- with one or two sureties to the like amount;
- (iii) The Applicant shall not interfere with the Complainant/victim and shall not tamper with the evidence in any manner;
- (iv) The Applicant shall report to Kandivali Police Station once

in two months on first Monday of the month between 11.00
to 2.00 p.m.;

7. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)