

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

BAIL APPLICATION NO. 2428 OF 2021

Nityanand Vithal Shetty @ Nitya

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Jehangir Minoo Khajotia for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Mr. B.B. Chavan, PSI, Sakinaka Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in C.C.No.990/PW/2021 pending on the file of Sessions Court, Dindoshi, Mumbai for offences punishable under sections 353, 341 of the Indian Penal Code & section 142 of Maharashtra Police Act, 1951.

2. Heard Mr. Jehangir Khajotia, learned counsel for the Applicant and Ms. Rutuja Ambekar, 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 case of the prosecution is that on 13/04/2021, the Applicant breached the externment order and entered the limits of Thane and he obstructed the police officers and tried to assault them. The crime was registered against the Applicant pursuant to the First Information Report (FIR) lodged by Sub-Inspector – Sunita Bhosale. The investigation is completed and the charge sheet has been filed. The Applicant is in custody since last one year. It is stated that the charge is not yet framed and considering the large pendency of the cases, the trial is not likely to conclude within a reasonable time. The maximum sentence for the offence allegedly committed by the Applicant is of five years. Considering the fact that the Applicant is already in custody for one year, in my considered view, he is entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

(i) The Applicant who is facing trial in C.C.No.990/PW/2021 pending on the file of Sessions Court, Dindoshi, Mumbai, is ordered to be released on bail on furnishing PR bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall report to Sakinaka Police Station, on

every 1st Monday of the month between 11.00 a.m. to 02.00 p.m. until further orders;

- (iii) The Applicant shall not indulge in any criminal activity and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) 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.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

4. Bail Application stands disposed of in above terms.

**PREETI
H
JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally signed
by PREETI H
JAYANI
Date: 2022.04.18
10:36:20 +0530