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

BAIL APPLICATION NO.3497/2021

PURUSHOTTAM TULSIRAM GHOLAVE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENTS

Mr. Amrish R. Salunke a/w. Mr. Siddhant Kusalkar, Mr.
Durgesh Sarfare, Mr. Babu Singh, Mr. Jigar Agarwal for the
applicant.
Mr. S. H. Yadav, APP for State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in connection with First Information Report (FIR) No.170/2020 registered with R. A. K. Marg Police Station, for the offence punishable under Sections 307, 324, 504, 506 of the Indian Penal Code, 1860.
3. The FIR is lodged by injured Sanjay @ Raja Kisan Waghela. The applicant was arrested on May 24, 2020. The applicant is in custody for more than two and half years.

The charge-sheet has been filed. The knife which was used for the commission of the offence has been recovered.

4. The incident happened at around 1.50 p.m. on May 24, 2020. The informant was returning home. The accused asked him as to why was he looking at him and started abusing and there was a scuffle. The informant pushed the applicant and returned home. At about 2.10 p.m., the applicant came to the house of the informant and started abusing him. The applicant was upset with the fact that the informant had pushed him. It is alleged that the applicant assaulted the informant Sanjay and his wife who tried to intervene, with the knife. The injury certificate produced on record shows that the wife suffered simple injuries. There is no description as to whether simple/grievous injury was suffered by Sanjay. The injury certificate mentions "multiple injuries by knife and linear CLW to chest and ® hand". There is nothing on record to indicate that the injured were hospitalised.

5. Learned APP submitted that there are antecedents against the applicant. Learned counsel for the applicant

submitted that by the judgment order dated Deceased 7, 2019, the applicant was acquitted by the trial Court for the offence punishable under Sections 326 and 504 of the Indian Penal Code, 1860. In respect of the present offence, the applicant is in custody for more than two and half years. The charge-sheet has been filed and investigation completed. There is no possibility of the trial concluding any time soon. Learned counsel for the applicant, on instructions submits that the applicant shall not reside in the jurisdiction of Mumbai/Mumbai Suburban District. Taking an over all view of the matter, in my opinion, the applicant can be released on bail but by imposing some stringent conditions. Hence the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant-Purushottam Tulshiram Gholave shall be released on bail in connection with FIR No.170/2020 registered with R. A. K. Marg Police Station, on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall mark his attendance before the concerned police station once in a month on the 1st Monday of that month.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not reside in the jurisdiction of Mumbai/Mumbai Suburban District and shall forthwith remove himself from the jurisdiction of Mumbai/Mumbai Suburban District on being released on bail.

6. The application is disposed of.

(M. S. KARNIK, J.)