



Diksha Rane

26.BA.1452-23.doc

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

BAIL APPLICATION NO.1452 OF 2023

MAHESH GANGARAM SHELKE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Raju Suryawanshi for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 1, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 307, 201, 120-B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 1/12/2022 vide C.R. No.447/2022 with Ratnagiri City Police Station, Ratnagiri.
- 3.** There are in all three accused. The applicant is the accused no.1. The applicant was arrested on 2/12/2022. The victim suffered six injuries. The alleged incident happened as a result of some loan transaction that had taken place between the applicant and the victim.

4. Learned APP opposed the application for bail and submitted that though other injuries are not grievous but one of the injury on the head/scalp is grievous in nature which is by hard and sharp object.

5. The investigation is complete. The charge-sheet has been filed. The possibility of the trial commencing any time soon in the near future is remote. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Considering that the applicant is in custody for a period of over one year, looking at the nature of the injury caused by a piece of flooring tile, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Mahesh Gangaram Shelke in connection with C.R. No.447/2022 registered with Ratnagiri City Police Station, Ratnagiri, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Ratnagiri City police station, Ratnagiri, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(e) 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.

(f) 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.

(g) The applicant shall not enter the vicinity of the area where the injured witness is residing.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(j) The applicant shall not establish contact or try to threaten the informant. In case, it is reported that the applicant is in any manner trying to contact the informant or threaten him, the prosecution is at liberty to apply for cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)