



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

**BAIL APPLICATION NO.43 OF 2023**

SANTOSH VILAS GHANEKAR ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH  
INTERIM APPLICATION NO.775 OF 2023  
IN  
BAIL APPLICATION NO.43 OF 2023**

VIKAS DIPCHAND GUPTA ..APPLICANT

**IN THE MATTER BETWEEN**

SANTOSH VILAS GHANEKAR ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

-----  
Mr. Mukesh Mishra i/b. Lawmatics India for the applicant.  
Adv. Saima Sothe for the original complainant.  
Ms. Veera Shinde, APP for the State.  
-----

**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 14, 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, 34 of the Indian Penal Code

(hereafter 'IPC' for short) and under Sections 4, 25 of Arms Act registered on 01.07.2021 vide C.R. No.726 of 2021 with Sakinaka Police Station.

**3.** The applicant was arrested on 02.07.2021.

**4.** The application is vehemently opposed by learned APP as well as learned counsel for the complainant. While opposing the application learned APP as well as learned counsel for the complainant submitted that the applicant is a habitual offender. It is pointed out that on an earlier occasion the complainant had filed proceedings being FIR No.233 of 2018 against the applicant under Sections 392, 324, 323, 506, 427, 34 of the IPC. There is another offence registered vide C.C. No.1493 of 2018 under Sections 394, 427, 34 of the IPC and one offence registered vide C.C. No.1587/PW/2018 under Sections 324, 323, 504, 506, 143, 147, 149 of the IPC is pending.

**5.** In respect of the present C.R. it is the accusations that the applicant wanted the complainant to withdraw the criminal complaints which are filed against him and therefore on the date of the incident assaulted the victim.

No doubt two injuries are grievous in nature. The applicant is in custody almost for two years and two months. The investigation is complete and the charge-sheet has been filed. The trial is likely to take a long time to conclude. The complainant apprehends threats from the applicant considering the previous history of antecedents. However, the antecedents by itself, in my opinion, should not deprive the applicant the facility of bail considering that the applicant is now in custody for more than two years and two months and as stringent conditions can be imposed on the applicant to allay the apprehension of threats. Hence, the following order :-

### **ORDER**

- (a) The application is allowed.
- (b) The applicant-Santosh Vilas Ghanekar in connection with C.R. No.726 of 2021 registered with Sakinaka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall not enter Mumbai/Mumbai Suburban District till the conclusion of the trial except for the purpose of attending the trial.

(d) The applicant shall report to the closest police station near his residence while residing outside Mumbai/Mumbai Suburban District once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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 trial Court as well as the Investigating Officer while residing outside Mumbai/Mumbai Suburban District and shall keep him updated, in case there is any change.

(g) Any attempt on the part of the applicant to contact or threaten the victim will be viewed seriously which may result in cancellation of bail.

**6.** The application is disposed of.

**7.** Interim application is also disposed of.

**(M. S. KARNIK, J.)**