



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

BAIL APPLICATION NO.633 OF 2023

VIVEK VIJAY KATE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Devendra M. Patil for the Applicant.
Mr. N. B. Patil, APP for the State.
PSI B. S. Handal, Mulund Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 12, 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, 324, 323, 504, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 01.07.2022 vide C.R. No.462 of 2022 with Mulund Police Station, Mumbai.
- 3.** It is alleged that on 01.07.2022 the victim-Sajjadali Shaikh was abused and beaten up by three persons. There are in all three accused. The applicant is the accused No.3. It is alleged that the accused No.3 has assaulted the victim

with bamboo stick, accused No.1 has assaulted the victim with an iron rod. The applicant No.2 has assaulted an acquaintance who was with the victim.

4. Learned APP opposed the application for bail.

5. I have perused the injury certificate of Sajjadali Shaikh. Sajjadali Shaikh has suffered one injury on the right temporal region which is by a blunt object. The nature of injury is simple. The applicant was arrested on 02.07.2022 and is in custody for fifteen months. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Vivek Vijay Kate in connection with C.R. No.462 of 2022 registered with Mulund Police Station, Mumbai 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 Mulund Police Station, Mumbai 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 Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly.

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

6. The application is disposed of.

(M. S. KARNIK, J.)