



Diksha Rane

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

BAIL APPLICATION NO.679/2023

MILIND SHIVCHANDRA KAMBLE

..APPLICANT

VS

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. S. S. Sawalkar a/w. Adv. Pallavi Jadhav, Adv. Sunanda Shinde, Adv. Sabiya Sayed for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

PSI N. T. More, Borivali Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 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 Section 307 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4 & 25 of the Indian Arms Act read, registered vide First Information Report (FIR) No.550/2017 with Borivali Police Station.

3. The applicant was arrested on 4/11/2015. The case of the complainant is that she is a wife of the applicant. They had married in the year 1998 and having two children. Due to a longstanding matrimonial dispute, the parties have

sometime in December 2014 obtained mutual consent divorce. It is alleged that on 4/11/2015, at around 16 hours, when the complainant along with her 13 years old son went to the house of the applicant to bring her remaining belongings, the applicant picked up a quarrel. He got aggressive and assaulted the complainant with the sickle. The complainant received several injuries. The medical certificate is on record.

4. During Covid-19 pandemic, the applicant had applied for Covid-19 bail. By an order dated 21/5/2020, the applicant was released on temporary bail. The applicant was taken into custody on 30/7/2022.

5. Learned APP submitted that the applicant has violated the conditions of Covid-19 bail. However, learned counsel for the applicant submitted that he did not have any information as to when the bail period of Covid-19 ended. According to learned counsel for the applicant, the applicant was always available and did not violate any condition imposed while granting Covid-19 bail. There is nothing on record to indicate that during the period he was on temporary bail, the applicant has misused the liberty or is

guilty of committing any offence. The applicant is in custody for four years and six months. The trial has not yet commenced. No criminal antecedents are reported.

6. Now that the investigation is completed and the charge-sheet has been filed and as the applicant is in custody for four years and six months (excluding the period when he was released on Covid-19 bail), the applicant can be enlarged on bail.

7. The apprehension of learned APP that the applicant may try to tamper with the evidence, can be taken care of by imposing conditions. In any case, there is nothing on record to suggest that the applicant tampered with the evidence and the witnesses when he was on Covid-19 bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant- Milind Shivchandra Kamble in connection with FIR No.550/2017 with Borivali Police Station, 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 shall report to the Investigating Officer of the Borivali police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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 enter the area of Khar Police Station till the trial is concluded.

8. The application is disposed of.

(M. S. KARNIK, J.)