



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

BAIL APPLICATION NO.805/2023

PRASAD @ JAGANNATH SUBHASH KHADE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

None for the applicant.

Mr. N. B. Patil, APP for the State.

PSI S.S. Deshmukh, Vishnunagar Police Station, Thane City.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 30, 2023.

P.C. :

1. None present for the applicant. Heard learned APP for the State. With the assistance of learned APP, I have perused the paperbook.

2. This is an application for bail in respect of the offence punishable under Sections 307, 325, 323 of the Indian Penal Code (hereafter 'IPC' for short) registered on 06/05/2021 vide C.R. No.87 of 2021 with Vishnunagar Police Station, Thane.

3. The incident is dated 05/05/2021. The informant is a

rickshaw driver who was waiting for a passenger. The applicant asked him to drop him off at home. There was some dispute over the fare. The applicant got angry with the informant and started hitting him. One of the injury suffered by the complainant is a fracture of his rib. The assault was with the fist blows.

4. Learned APP opposed the application and submitted that one of the injury suffered by the informant is grievous in nature. It is further pointed out that there is one criminal antecedent reported against the applicant in Kongaon police station vide C.R. No.06 of 2018 punishable under Sections 307, 385, 387, 452, 34, 120-B and 201 of the IPC, Section 7 of Criminal Law Amendment Act, Sections 37(1) and 135 of the Maharashtra Police Act, Sections 3, 25(1B)(a), 27(2) of the Indian Arms Act, Sections 3(1) read with Section 181, 24(1) read with 181 of the Motor Vehicles Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA). The applicant was on bail in the said offence during which period the present offence was committed.

5. The investigation is complete and the charge-sheet has been filed. The applicant is in custody since 06/05/2021 for more than 2 years and 5 months. The trial is likely to take some time to conclude. In my opinion, considering the length of the incarceration as an undertrial and in the facts and circumstances of the present case, the criminal antecedent by itself cannot be a factor which should dissuade me from enlarging the applicant on bail as I am proposing to impose stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Prasad @ Jagannath Subhash Khade in connection with C.R. No.87 of 2021 registered with Vishnunagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Vishnunagar 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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Thane district after being released on bail, till further orders of the trial Court.

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

6. The application is disposed of.

7. The learned APP as well as the Registry to communicate this order to the applicant.

(M. S. KARNIK, J.)