

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

BAIL APPLICATION NO. 2131 OF 2021

Sharad Suresh Chopde

... Applicant

v/s.

The State of Maharashtra

.... Respondent

MR. Ashish B. Jagtap h/f. Mr. Bhanudas Jagtap for the Applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Vilas L. Kalekar, PSI, Samta Nagar Police Station, Mumbai, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th JUNE, 2023.

P.C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.05/2021 pending on the file of Sessions Court, Dindoshi, Mumbai. The said case arises from C.R.No.955/2020 registered with Samta Nagar Police Station, Mumbai for offences punishable under sections 307 of the Indian Penal Code and sections 37(1) and 135 of Maharashtra Police Act.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions

advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Mr. Uttam Lahane. A perusal of the FIR prima facie reveals that on 08/08/2020 at about 23:00 hours, the Applicant herein inflicted an injury on the neck of the first informant by means of sharp weapon. The medical certificate prima facie reveals that the first informant had suffered injury approximately 20cm x 5cm x 3cm on right lateral and central part of the neck with sterno mastoid partial cut. The certificate does not indicate whether the injury sustained by the first informant was grievous in nature. Be that as it may, the Applicant is in custody since 09/08/2020. It is stated that till date, charge is not framed. Considering the large pendency, the trial is not likely to commence or conclude in near future. In view of the above facts and circumstances, the Applicant is entitled for bail. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.05/2021 pending on the file of Sessions Court, Dindoshi, Mumbai arising out of C.R.No.955/2020 registered with Samtanagar Police Station, Mumbai, is ordered to be released on bail on furnishing bail bonds in the sum of

Rs.40,000/- with one or two solvent sureties in the like amount ;

- (ii) The Applicant shall report to Samta Nagar Police Station, Mumbai on 1st Monday of every month between 11.00 a.m. to 02.00 p.m. until further orders ;
- (iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

4. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)