



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

BAIL APPLICATION NO.1608 OF 2023

ROHAN SANTOSH INGALE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Irfan A. Shaikh for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI Suraj Jadhav, Nerul Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 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, 353, 333, 323, 427, 504, 506, 143, 149 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 01.02.2021 vide C.R. No.I-43 of 2021 with Nerul Police Station.

3. The date of the incident is 31.01.2021. The FIR was registered on 01.02.2021. It is alleged that around four accused were creating a ruckus in the area at around 11.45 p.m. on 31.01.2021. The injured witness who is working as

a police constable noticed these four persons and questioned them. The injured witness was in plain clothes. It is alleged that the accused assaulted the injured witness with broken glass of the beer bottle on his face.

4. Learned APP opposed the application for bail on merits submitted that the applicant has assaulted the police constable when he was on his duty. It is further submitted that there is one criminal antecedent of the year 2019 under Section 392 of the IPC and while on bail the applicant committed the present offence.

5. The applicant was arrested on 01.02.2021. The applicant is in custody for more than two years and nine months. The trial is likely to take a long time to conclude. Considering the period the applicant has spent in custody as an under-trial, in the facts and circumstances of the present case the applicant can be enlarged on bail as any further custody of the applicant will only be by way of a pre-trial punishment. The applicant will face the consequences of the trial if found guilty. The applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rohan Santosh Ingale in connection with C.R. No.I-43 of 2021 registered with Nerul 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 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 Nerul Police Station 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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the area of Navi Mumbai Commissionerate after being released on bail, till the trial concludes.

(h) 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.

(M. S. KARNIK, J.)