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

BAIL APPLICATION NO. 1788 OF 2023

RUSHIKESH @ BUKKA PANDURANG KONDBHAR.. APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Mahesh Zanwar a/w Mr. Shreyas P. Barsawade, for the Applicant.
Ms. Veera Shinde, APP for the State.
Mr. Y.B. Patil, Assistant Police Inspector, Parvati, Pune (Dattawadi),
present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 1, 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 302, 307, 323, 504, 506, 143, 147, 148 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and under section 4 (25) of the Arms Act, under section 37(1) and 135 of the Maharashtra Police Act and under section 7 of the Criminal Amendment Act registered vide C.R. No. 175 of 2021 with Dattawadi Police Station. The FIR is dated 09/08/2021. The applicant was

arrested on 09/08/2021.

3. There are in all 5 accused. The applicant is accused no. 2. It appears that when the complainant while travelling on his two-wheeler, accidentally his foot touched the present applicant. The present applicant got annoyed. As a result of this incident, all the accused assaulted the complainant. The friend of the complainant-Rohan intervened. Accused no. 1 stabbed Rohan. Rohan scummed to the injuries. The accusations against the present applicant-accused no.2 is that he hit on the palm of the injured witness with a scythe. This witness suffered simple injuries. Scythe has been recovered from the applicant.

4. Learned APP opposed the application for bail on merits. He pointed out that there are several antecedents reported against the applicant. One of the antecedents is of the year 2010 under section 379 of IPC. There is one antecedent of the year 2020 under section 326 of IPC. There are some antecedents of the year 2013. Considering the nature of the criminal antecedents, though the applicant should not be denied the facility of bail altogether, stringent conditions need to be imposed considering the nature of the antecedents. Having regard to the role of the applicant and further

that he is in custody for more than 2 years with possibility of the trial concluding any time soon appears to be remote, the applicant can be enlarged on bail. Learned counsel for the applicant on instructions submitted that the applicant will not enter the Corporation limits of Pune City till the conclusion of the trial. Learned APP submits that such a condition is necessary having regard to the history of the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Rushikesh @ Bukka Pandurang Kondbhar in connection with C.R. No.175 of 2021 registered with Dattawadi Police Station, Pune shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the investigating officer of the Dattawadi police station, Pune 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 Corporation limits of Pune City till the trial concludes except for the purpose of attending the investigating officer and attending the trial.

(i) If the applicant is found violating any of the conditions, the same shall be viewed seriously.

5. The application is disposed of.

(M. S. KARNIK, J.)