



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

**BAIL APPLICATION NO.1899 OF 2023**

GANESH KADUBA SHELKE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Dheeraj Panchange i/b Adv. Santosh Sonawane for the  
Applicant.

Ms. Veera Shinde, APP for the State.

API Chakor, Kalyan Taluka Police Station, Thane Gramin.  
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**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 8, 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, 379, 120-B, 143, 144, 147,  
148, 149 of the Indian Penal Code (hereafter 'IPC' for short)  
registered on 27/06/2022 vide C.R. No.305 of 2022 with  
Kalyan Taluka Police Station, District Thane.

**3.** The date of the alleged incident is 26/06/2022. The  
applicant was arrested on 05/07/2022. There are in all 6

accused. The applicant is accused No.3. It is the allegation of the complainant that he was assaulted by a known accused along with one unknown person who was holding a screwdriver. The applicant is not named in the First Information Report. However, in the supplementary statement which was recorded after 3 days of the incident, the complainant named the applicant. The accusation against the applicant is that he pierced a screwdriver in the head of the complainant. I have gone through the injury certificate. No doubt, injuries are serious in nature on the vital part of the body. One of the grievous injuries is attributed to the applicant.

**4.** Learned APP while opposing the application states that there are as many as 2 criminal antecedents of bodily offence registered against the applicant. The criminal antecedents are of the year 2019 and 2021 for the offence punishable under Section 326 of the IPC. Learned counsel for the applicant states that if granted bail, the applicant will stay out of Thane District and abide by all conditions imposed.

**5.** In my opinion, though there are criminal antecedents, the applicant should not be deprived of the facility of bail altogether. However, while granting bail some stringent conditions need to be imposed. The investigation is complete and the chargesheet has been filed. Considering that the applicant has been in custody for more than 1 year with no possibility of the trial concluding any time soon and having regard to the facts and circumstances of the present C.R., the applicant can be enlarged on bail. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant- Ganesh Kaduba Shelke in connection with C.R. No. 305 of 2022 registered with Kalyan Taluka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Kalyan Taluka 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 the Thane District after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly.

(h) Any attempt to threaten the witnesses or tamper with evidence shall be viewed seriously.

**6.** The application is disposed of.

**(M. S. KARNIK, J.)**