



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

BAIL APPLICATION NO. 1943 OF 2023

KUNAL KAILAS KANDHARE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Yash G. Gadtare a/w Adv. Salman Pathan for the
Applicant.

Ms. Veera Shinde, APP for the State.

PSI Fadtare Jalinder, Kothrud Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 09, 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, 326, 323, 504, 143, 144, 147, 148, 149 of the Indian Penal Code, Section 3(25) of the Arms Act and Section 142 of the Mumbai Police Act registered on 01/12/2019 vide C.R. No.369 of 2019 with Kothrud Police Station, Pune.
- 3.** The applicant was arrested on 19/01/2023. There are

in all 7 accused out of which 6 accused have been enlarged on bail. The weapon used to assault the injured victim is a cement brick. The date of the alleged incident is 30/11/2019. There are eyewitnesses to the incident apart from the injured witness. It is stated that all the accused have assaulted the injured witness. So far as the applicant is concerned, no specific role is attributed to him. Only general allegations are made as to his role in the statement of the eyewitnesses. I have perused the injury certificate.

4. Learned APP opposed the application and submitted that there are criminal antecedents reported against the applicant. There is one proceeding under the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered against the applicant. The applicant is in custody in that case. Learned counsel for the applicant submitted that the MCOCA case for bail, it has already been heard and listed for orders. Though there are criminal antecedents against the applicant, having regard to the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing stringent conditions.

The applicant is in custody since 19/01/2023 as an undertrial. The investigation is complete and the charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Kunal Kailas Kandhare in connection with C.R. No.369 of 2019 registered with Kothrud 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 Kothrud 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) Except for attending trial in pending criminal proceedings and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Pune District after being released on bail, till the present trial concludes.

(f) On being released on bail, while residing outside Pune district, 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) If the applicant wants to enter Pune district for attending this case or any other case or the Investigating Officer, he shall intimate the Investigating Officer 2 days in advance.

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

(i) The applicant shall be enlarged on bail if not wanted or arrested in any other case.

5. The application is disposed of.

(M. S. KARNIK, J.)