



Diksha Rane

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

BAIL APPLICATION NO.2035/2023

VIJAY SHANTARAM SAKET

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Rajendra Rathod a/w. Adv. Sohail Ahmed for the
applicant.

Ms. Veera Shinde, APP for the State.

Adv. Akash Singh for the org. complainant.

API Govind Khajre, R.A.K. Marg Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 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 143, 145, 147, 149, 307, 323, 504, 506(II) read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 8/3/2023 vide C.R. No.86/2023 RAK Marg Police Station.
- 3.** The incident is dated 7/3/2023. There are in all six accused. The applicant is the accused no.1. The case of the

prosecution is that the complainant along with his cousin brother was participating in the Holi festival. It is alleged that the accused who was in an intoxicated state had an altercation with the cousin of the complainant. It is alleged that the applicant abused the complainant and his cousin brother. Thereafter, the applicant inflicted a blow on the complainant with a broken beer bottle which hit the thigh of the complainant. In the medical history the complainant stated that he was assaulted by the applicant with a knife.

4. An affidavit has been filed on behalf of the complainant that the parties have settled the matter and that the complainant has no objection if the applicant is enlarged on bail. However, I do not propose to rely upon such affidavit for the purpose of the bail application considering the accusations are under Section 307 of the IPC. Moreover, learned APP opposed the application for bail submitting that filing of such an affidavit is an outcome of pressure and intimidation on the witnesses at the behest of the applicant.

5. Considering that the applicant is incarcerated from 8/3/2023 and having regard to the nature of the injury which

is a cut wound on the thigh, I am inclined to enlarge the applicant on bail. The medical certificate does not indicate whether the injury is grievous in nature.

6. There are criminal antecedents reported against the applicant. However, it is the submission of learned counsel for the applicant that the applicant has been acquitted in all the cases except one of the year 2015 which was registered under Section 160 of the IPC.

7. The applicant is in custody for more than six months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In my opinion, the applicant does not appear to be a flight risk. In the facts and circumstances of the present case, further custody of the applicant is not necessary. However, it is necessary that stringent conditions need to be imposed against the applicant while granting bail though the complainant has no objection for the applicant's release on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Vijay Shantaram Saket in connection with C.R. No.86/2023, RAK Marg 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 RAK Marg police station twice a month i.e. on 1st and 3rd Monday of every month between 11.00 am and 1.00 pm.

(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 area of Sewree, Wadala and Dadar of Mumbai after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) It is made clear that any attempt on the part of the applicant to contact the complainant or the witnesses will entail the consequence of the prosecution or the complainant to apply for the cancellation of bail.

8. The application is disposed of.

(M. S. KARNIK, J.)