



Diksha Rane

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

BAIL APPLICATION NO.2143/2023

SHAKTISING DEEPAKSING DUDHANI ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Debojyoti Talukdar for the applicant.

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

PSI Hanumant Bhosale, Swargate Police Station, Pune City.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 2, 2023.

P.C. :

1. Heard learned counsel for the applicant. Learned APP for the State opposed the application for bail.

2. This is an application for bail in respect of the offence punishable under Sections 307 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 7, 8 of the Criminal Law (Amendment) Act, 2013 read with Sections 4, 25 of the Arms Act read with Sections 37(1) read with 135 of the Maharashtra Police Act registered on 1/9/2022 vide C.R. No.0188/2022 with Swargate Police Station, Pune.

3. There are in all two accused. The applicant is the accused no.2. The accused are real brothers. The accused had previous enmity with the injured witness. The accused no.1, in the year 2011, is alleged to have committed murder of the informant's brother and therefore, the informant had assaulted the accused no.1 with 'koyta'. The informant was charged for the offence punishable under Section 307 of the IPC.

4. On the date of that incident, that is on 31/8/2022, the accused cornered the informant with a view to take revenge. The accused no.1 assaulted the injured informant with 'koyta'. The applicant (accused no.2) is alleged to have assaulted the injured informant with a wooden log.

5. I have gone through the medical certificate. *Prima facie*, there are no corresponding injuries which could be attributed to an assault by a wooden log.

6. Learned APP submitted that the assault was premeditated and the accused had come with full preparation. She submits that apart from the merits of the case, the applicant is not entitled to be enlarged on bail, otherwise also the applicant is a history sheeter having

seven criminal antecedents registered against him right from the year 2004 onwards with Swargate Police Station.

7. In the facts and circumstances of the present case, considering the role of the applicant as the applicant who was arrested on 1/9/2022 is now in custody for more than fourteen months as an undertrial, I am inclined to enlarge the applicant on bail. No doubt, there are criminal antecedents reported against the applicant. However, this by itself, in my opinion, should not be a factor to deny the facility of bail as I propose to impose stringent conditions on the applicant. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Shaktising Deepaksing Dudhani in connection with C.R. No.0188/2022 registered with Swargate Police Station, Pune, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) Except for attending the investigating officer, the trial and the trial in respect of the other criminal cases, the applicant shall not enter the jurisdiction of Pune District after being released on bail, till the trial concludes.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer while residing outside Pune District and also furnish the details of the nearest police station to such residence. The applicant shall attend the Investigating Officer of such police station once in a week every Sunday between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(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) Before entering Pune District for the purpose of attending the trial in this case or any other criminal proceedings, the applicant shall intimate to the investigating officer two days in advance.

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

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

(i) If there is any breach of the conditions, liberty is always open to the prosecution or any concerned person to apply for cancellation of bail which shall be heard on priority.

8. The application is disposed of.

(M. S. KARNIK, J.)