



Diksha Rane

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

BAIL APPLICATION NO.2348/2023

BALAJI TUKARAM DALAVI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Prasad Avhad i/b. Adv. Kuldeep Nikam for the applicant.
Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 9, 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 326, 341, 323, 504 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 25 of the Indian Arms Act, 1959, registered on 26/3/2023 vide C.R. No.82/2023 with Kothrud Police Station, Pune City.

3. There are in all three accused. The applicant is the accused no.3. So far as the co-accused Shubham Raju Kolpe is concerned, by an order dated 15/6/2023, he has been

enlarged on bail by the trial Court. The trial Court has recorded that participation of the co-accused Shubham Kolpe in commission of the crime is to the extent of beating the informant by fists and kicks. No deadly weapon is used. Further, there are no criminal antecedents are reported against the co-accused Shubham.

4. So far as the present applicant is concerned, the applicant is having similar role as that of the co-accused who has been enlarged on bail. He is not author of the injuries by the sharp weapon. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. There is one criminal antecedent reported against the applicant. However, in my opinion, having regard to the facts of the present case, the applicant cannot be deprived of the facility of bail only because there is criminal antecedent reported considering the facts and nature of the accusations against him. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Balaji Tukaram Dalavi in connection with C.R. No.82/2023 registered with Kothrud Police Station, Pune City, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Kothrud police station, Pune City, once in a month every first Monday of the month 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) 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.

(g) The applicant shall not reside within the jurisdiction of Kothrud Police Station subject to further orders of the trial Court and should not enter except for the purpose of attending the investigating officer.

(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 surrender his passport, if any, to the investigating officer.

5. The application is disposed of.

(M. S. KARNIK, J.)