



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

BAIL APPLICATION NO. 2485 OF 2023

BHARAT BIR BAHDUR THAPA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Prashant Hagare, for the Applicant.

Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 4, 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, 324, 504 read with 34 of the Indian Penal Code, 1860 registered on 02/01/2023 vide C.R. No.01 of 2023 with Kamothe police station, Navi Mumbai.
- 3.** The applicant is the accused no.1. The applicant was arrested on 02/01/2023.
- 4.** It is the accusation of the complainant that the he was working in Jio Company and his wife is running a business of laundry. The cell phone of the complainant's wife was lost

two days prior to the incident. 4-5 Nepali persons came to fetch water near the laundry. The accused persons on 01/01/2023 at about 7.00 p.m. came at the laundry of the wife of the complainant and on account of previous quarrel, abused the complainant. The applicant assaulted on the head of the wife of the complainant by bamboo stick and also assaulted on the back of the complainant. The applicant is arrested on 02/01/2023.

5. Learned APP opposed the application contending that the nature of the accusations are such that the bail should be granted to the applicant. He submitted that there is grievous injury on the head of the wife of the complainant.

6. I have gone through the injury certificate. The injury certificate mentions that the injury is CLW over frontal region and the measurement of the injury is 3x2x1 cm. It also mentions that the victim had hematoma over left parietal region and right occiput region and also at right temporal region. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. The applicant is in custody for more

than 11 months. Further custody only will be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Bharat Bir Bahdur Thapa in connection with C.R. No.01 of 2023 registered with Kamothe police station, Navi Mumbai 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 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) For a period of 6 months, the applicant shall not enter the jurisdiction of Kamothe police station and thereafter shall not enter the vicinity of the area where the victim is residing after being released on bail, till the trial concludes.

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

7. The application is disposed of.

(M. S. KARNIK, J.)