



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

BAIL APPLICATION NO. 2769 OF 2023

SURESH ARUN BHIMLE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Amod Ekaspur i/b Mr. Kaushik Mhatre, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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, 323, 504, 506 and 34 of the Indian Penal Code, 1860, under sections 4 and 25 of the Arms Act, 1959 registered on 18/12/2022 vide C.R. No.478 of 2022 with Aarey police station.
- 3.** There are 3 accused. The applicant is the accused no.3. The applicant was arrested on 21/12/2022.
- 4.** The date of the incident is 18/12/2022. It is the case of the prosecution that the applicant and other co-accused assaulted the victim with swords and other sharp edged

weapons as the victim refused to provide cigarette to the accused. From the injury certificate, it appears that the assault was not on the vital parts of body. The applicant was admitted to a hospital on 18/12/2022 and discharged on 20/12/2022 as per the injury certificate.

5. Learned APP opposed the application for bail. It is submitted that there is one criminal antecedent reported against the applicant. Though there is a criminal antecedent reported against the applicant, in my opinion, this by itself should not be a reason to deprive the applicant the facility of bail considering the nature of the antecedent and also considering that the applicant is in custody for almost a year with no possibility of the trial concluding any time soon. Even charge has not been framed so far. The investigation is complete. The charge-sheet has been filed. The applicant can be enlarged on bail in the facts and circumstances of the present case. Learned APP apprehends that the nature of the allegations are such that the witnesses are bound to be threatened by the presence of the applicant if enlarged on bail. The apprehension of the learned APP can be taken care of by imposing stringent

conditions while enlarging the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Suresh Arun Bhimle in connection with C.R. No. 478 of 2022 registered with Aarey police station 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 shall attend the investigating officer of Aarey police station once in a month 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) 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 jurisdiction of Aarey police station after being released on bail, till further orders of the trial Court.

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

6. The application is disposed of.

(M. S. KARNIK, J.)