

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

BAIL APPLICATION NO. 2983 OF 2022

Jonny Vhiliya Thomas

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Ankesh R. Thakur for the Applicant.

Mr. S. V. Gavand, APP for the State.

PSI Manish Waghmare, Central Police Station, Ulhasnagar.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant- Jonny Vhiliya Thomas, in connection with C.R. No. I-88 of 2019 (C.C.T.N.S. No. 134 of 2019) dated 27/03/2019, registered with Central Police Station, for the offence punishable under sections 307 of the Indian Penal Code, 1860 ("IPC", for short).

3. The complainant stated in the complaint that she was working in the bar as a waitress. The applicant was harassing her. The applicant had been telling her not to work in the bar. The complainant, therefore, on one occasion went to his home to meet his mother. When she

was speaking to the applicant's mother and brother, suddenly the applicant took out a knife and inflicted injuries on her person i.e. on her stomach, chest, waist and her legs. The complainant survived.

4. There are criminal antecedents reported against the applicant. One antecedent i.e. C.R. No. 86 of 2002 is registered under sections 307 and 34 of the IPC and the other antecedent i.e. C.R. No. 05 of 2007 is registered under sections 384, 324, 323, 504 and 34 of the IPC. So far as C.R. No. 237 of 2008 registered under sections 363 and 376 of the IPC is concerned, it is submitted that the applicant has been acquitted. Considering that the applicant is in custody for more than 3 years and 10 months, with no possibility of the trial commencing, no purpose will be served by keeping the applicant in the custody. The charge-sheet has been filed and the investigation is complete. The trial is likely to take long time to conclude as even the charge has not been framed. The applicant will obviously suffer the consequences post trial, if he is convicted. In this view of the matter, the applicant can be released on bail. Hence, the following order.

ORDER

(a) Applicant- Jonny Vhiliya Thomas shall be released on bail in connection with C.R. No. I-88 of 2019 (C.C.T.N.S. No. 134 of 2019), registered with Central Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) 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.

(c) The applicant shall report to the concerned police station once in a month i.e. on first Monday between 11.00 a.m. and 1.00 p.m. till the trial is over.

(d) 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.

(e) The applicant shall not enter the vicinity of the Ulhasnagar where the complainant is residing.

5. The application is disposed of.

(M. S. KARNIK, J.)