



Diksha Rane

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

BAIL APPLICATION NO.3474/2023

OM VINAYAK MATE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Niranjan Mundargi a/w. Adv. Saakshat Relekar for the
applicant.

Ms. Veera Shinde, APP for the State.

API Vikas V. Adagale, Haveli Police Station, Pune Rural, Pune.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 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 143, 147, 148, 149, 307, 324,
427, 504 and 506 of the Indian Penal Code (hereafter 'IPC'
for short) read with Sections 4, 25 of the Arms Act
registered on 17/7/2023 vide C.R. No.275/2023 with Haveli
Police Station, Pune Rural, Pune.

3. The applicant is a 20 years old boy who is studying in
Sanskar Mandir Sanstha's Arts and Commerce College, Pune

University, Pune. It is urged by learned counsel for the applicant that his tentative schedule of examination is at page 201. The examinations will commence from 1/12/2023 which will go on till 12/12/2023.

4. The dispute concerns the property. There are cross First Information Reports (FIRs) registered. It is the case of the prosecution that on 16/7/2023, at about 00:30 hrs., the nephew of Smt. Vimal Bajirao Mate came to her house and told that somebody destroyed the trees, shed, water tank and name board of Vimal Mate on the said land. The said Vimal Mate along with her family members went at the said disputed land, where she saw that cousin sister-in-law Mrs. Vidya Manohar Mate, her son Sanket Manohar Mate, in laws Alka More, Sharda Darvatkar, Nanda Kashid, Vijaya Pawar, Kamal Harpale came there and they damaged the tin shed. The said Vimal Mate, who is the mother of the applicant asked them as to why they were damaging the same. They replied that the 7/12 extract of the said land is in their name. They abused Vimal Mate in filthy language and also threatened her with dire consequences. As a result of this incident, C.R.No.274/2023 was lodged by Smt. Vimal Bajirao

Mate. Due to aforesaid C.R., accused Sanket Manohar Mate has grudge over the same and in order to retaliate, he lodged false complaint vide C.R.No.275/2023.

5. Learned APP opposed the application for bail.

6. So far as the allegation against the present applicant is concerned, it is alleged that the applicant assaulted the complainant on his head. There is, no doubt, complainant suffered grievous injury. However, considering that there are cross cases and that the applicant, who is 20 years of age, a student who has to appear for examinations can be enlarged on bail. Learned counsel for the applicant submitted that the applicant is willing to stay outside of Haveli Taluka. Statement is accepted.

7. The applicant was arrested on 17/7/2023 and is in custody for almost four months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Om Vinayak Mate in connection with C.R. No.275/2023 registered with Haveli Police Station, Pune Rural, Pune, 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 Haveli Police Station, Pune Rural, Pune, once in three months on the 1st Saturday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing from December 2023, 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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the area of Haveli Taluka after being released on bail, till the trial concludes.

(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.

8. The application is disposed of.

(M. S. KARNIK, J.)