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

BAIL APPLICATION NO.3936 OF 2023

AKSHAY KAMBLE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Karansingh Rajput i/b. Adv. Shailesh Pal for the
applicant.

Ms. Veera Shinde, APP for the State.

PSI Durgesh More, Wadala Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 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, 146, 147, 148, 149,
114, 212, 34 of the Indian Penal Code (hereafter 'IPC' for
short) and under Sections 37(1), 135 of the Maharashtra
Police Act registered on 20.04.2023 vide C.R. No.72 of 2023
with Wadala Police Station.

3. The date of the incident is 20.04.2023. There are in all
five accused. The applicant is the accused No.1. It is the

accusation that on 20.04.2023, the accused assaulted the injured witness with chopper and sharp edged weapons. The applicant is not the actual assailant. It is alleged that he was a part of the group that assaulted the victim. It is alleged that the applicant waived the chopper in the air and threatened the victim.

4. Learned APP while opposing the application for bail submitted that there are six criminal antecedents reported against the applicant. The applicant was even externed. It is submitted that the applicant is a habitual offender.

5. Learned counsel for the applicant submitted that in three of the cases the applicant has been acquitted and one of the cases is cross case. Learned counsel for the applicant submitted that the applicant is willing to reside out of Mumbai and Mumbai Suburban district till further orders of the trial Court.

6. In the facts and circumstances of the present case, in my opinion, the antecedents in such circumstances should not be a factor to deprive the applicant the facility of bail. The investigation is complete and the charge-sheet has

been filed. I am inclined to enlarge the applicant on bail.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Akshay Kamble in connection with C.R. No.72 of 2023 registered with Wadala 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 Wadala Police Station once in a month every 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 in this case as well as in the other cases, the applicant shall not enter Mumbai and Mumbai Suburban district after being released on bail, till further orders of the trial Court. Depending on the conduct of the applicant it is open for the trial Court to pass appropriate orders modifying this condition at a later stage.

(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.)