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

BAIL APPLICATION NO.4144 OF 2023

TUSHAR RAVINDRA SAWANT

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Vagal a/w Adv. Kunal Pednekar a/w Adv. Divesh
Mehani a/w Adv. Savvy Kolhekar for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 22, 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, 143, 148, 149, 427 of the Indian Penal Code (hereafter 'IPC' for short) and under Section 135 of the Maharashtra Police Act registered on 31.05.2022 vide C.R. No.134 of 2022 with Adgaon Police Station, Nashik.
- 3.** The applicant is the accused no.2. The applicant was arrested on 02.06.2022. The first informant placed an order for food item to the accused No.4 who worked at DM Anda

Roll shop. Since the applicant was not being served, the first informant-victim enquired about his order. The accused were annoyed with the first informant insisting for his order whereupon the accused persons got angry and assaulted the informant with iron rods and wooden sticks. The injury which is grievous in nature is attributed to the accused No.1. The applicant is the accused No.2. All other injuries sustained are simple in nature. The applicant had filed an application for bail in this Court which was withdrawn on 07.10.2023 with liberty to apply after three months.

4. Learned APP opposed the application for bail contending that during the period of externment the present offence is committed.

5. Considering that the applicant is in custody for more than one year and six months with no possibility of the trial concluding any time soon, having regard to the role of the applicant and in the facts and circumstances of the present case I am inclined to enlarge the applicant on bail by imposing conditions. The investigation is complete and the charge-sheet has been filed. There are criminal antecedents

but at this stage considering the incarceration undergone the applicant should not be deprived the facility of bail.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Tushar Ravindra Sawant in connection with C.R. No.134 of 2022 registered with Adgaon Police Station, Nashik shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance to the nearest police station while residing outside Nashik district once in a month on every first Sunday, between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall remain present before the trial Court on each and every date unless specifically exempted by the Court.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.

(f) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.

(g) During the pendency of trial, the applicant shall not enter Nashik District, save and except to attend the trial.

(h) It is made clear that in case of any breach of condition on the part of the applicant it is always open for the prosecution to move this Court for seeking cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)