

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 573 OF 2024

Vijendra *alias* Bhai Vijay Gawand

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Sakshi S. Kadam a/w. Mr. Kedar J. Patil, Advocate, for the Applicant.

Ms. Supriya N. Kak, APP, for the Respondent – State.

Mr. Suraj Kamble, P.S.I., Uran Police Station, Navi Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 21.02.2024

P. C.

1. Heard Ms. Kadam, learned Counsel appearing for the Applicant and Ms. Kak, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*.

3. Ms. Kadam, learned Counsel appearing for the Applicant states that the Applicant was released on bail by Order dated 24.07.2013 passed by the learned Additional Sessions Judge, Raigad-Alibag below Exhibit 5 in Sessions Case No.40 of 2013. She submitted that the Applicant was not absconding. However, the Applicant was unable to attend the hearings before the

Sessions Court. Therefore, a non-bailable warrant was issued against the Applicant and he was arrested on 05.08.2023. She submitted that his Application for grant of bail was rejected by Order dated 09.08.2023 passed below Exhibit 21 in Sessions Case No.55 of 2019 by the learned Additional Sessions Judge, Panvel, District-Raigad. She submitted that the Applicant is married and is having three minor children. She submitted that he was not absconding and that he has been arrested from his residence. She submitted that the Applicant will attend all hearings before the Sessions Court and shall remain present throughout trial.

4. On the other hand, Ms. Kak, learned APP appearing for the Respondent - State vehemently opposed the Bail Application. She submitted that there are about five antecedents registered with the Uran Police Station. The details of the same are as follows :-

C. R. NO.	CASE NO.	SECTIONS
186/2022	R.C.C.No.230/ 2022	454, 457, 380 of the IPC, 1860
119/2022	R.C.C.No.233/ 2022	454, 457, 380 of the IPC, 1860
117/2022	R.C.C.No.206/ 2022	454, 457, 380 of the IPC, 1860
374/2021	R.C.C.No.209/ 2022	454, 457, 380 of the IPC, 1860
84/2021	R.C.C.No.80/ 2022	324, 323, 504, 506, 143, 147, 148 & 149 of the IPC, 1860

Therefore, she submitted that the Applicant be not enlarged on

bail.

5. Insofar as the antecedents are concerned, Ms. Kadam, learned Counsel appearing for the Applicant submitted that the Applicant has been enlarged on bail with respect to all these cases.

6. As the Applicant has been granted bail by Order dated 24.07.2013 and as the Applicant was arrested from his residence, as he was not attending the hearings in the trial, the Applicant can be enlarged on bail by imposing stringent conditions.

7. In view thereof, the following order:-

ORDER

(a) The Applicant - Mr. Vijendra alias Bhai Vijay Gawand be released on bail in connection with C. R. No. 136 of 2012 registered with the Uran Police Station, District - Raigad on his furnishing P. R. Bond of Rs. 25,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Uran Police Station,

District – Raigad on the Sunday of every week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

8. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]