



Diksha Rane

16.ba.759-24.doc

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

BAIL APPLICATION NO.759 OF 2024

CHETAN SURESH KAMBLE @ BUNTY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Abhishek Jha a/w. Adv. Nishant Mokal i/b. Jha Legal
Associates for the applicant.
Mr. S. V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 13, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant submitted that the main accused Hitesh Gajanan Nagade @ Babu has been enlarged on bail by an order dated 15/2/2024 passed by this Court vide Bail Application No.66/2024. The relevant portion of the order reads thus:-

“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 20/4/2023 vide C.R. No.72 of 2023 with Wadala Police Station.

3. The date of the incident is 20/4/2023. There are in all five accused. The applicant is the accused No.2. It is the accusation that on 20/4/2023, the accused assaulted the injured witness with chopper and sharp edged weapons. The applicant is the actual assailant along with accused Chetan.

4. Learned counsel for the applicant submitted that the co-accused Akshay Kamble has been enlarged on bail by this Court on 13/12/2023. However, the co-accused Akshay Kamble was not the actual assailant.

5. There was previous rivalry between the applicant and the injured witness. The applicant assaulted the injured witness with a koyta on his head. I have perused the medical certificate. The injured witness has suffered grievous injuries.

6. The applicant was arrested on 22/4/2023 and now is in custody for more than nine months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are three cases reported against the present applicant and even preventive action was taken. The antecedents which are reported against the applicant, in my opinion is not sufficient to deprive the applicant the facility of bail having regard to the facts of the present case. However, while granting bail, stringent conditions need to be imposed. The applicant does not appear to be a flight risk."

3. Learned APP though opposed the application for bail, however, from the materials on record I find that the role of the applicant is not more than that attributed to the main accused Hitesh Gajanan Nagade @ Babu who has been

enlarged on bail. There is one criminal antecedent reported against the applicant under Section 324 of the Indian Penal Code vide C. R. No. 158/2014. The applicant cannot be deprived of the facility of bail only because there is criminal antecedent reported considering the facts and nature of the accusation against him.

4. The applicant was arrested on 22/4/2023 and is in custody for more than 10 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Chetan Suresh Kamble @ Bunty 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 local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of nearest police station while residing outside Mumbai/ Mumbai Suburban District, once in a fortnight, every alternate Monday of the month between 10.00 a.m. and 11.00 a.m., commencing April, 2024.

(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 new 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 in this case or other cases and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Mumbai/ Mumbai Suburban District after being released on bail, till the trial concludes. If it is found that the applicant is violating any of the condition, it is open for the prosecution or the complainant to apply for cancellation of bail.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall surrender his passport to the investigating officer.

5. The application is disposed of.

(M. S. KARNIK, J.)