

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

BAIL APPLICATION NO.1039 OF 2024

Mr. Mahesh Manoj Durbhe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ranjeet M. Pawar, for the Applicant.

Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 19 MARCH 2024

P. C.:

1. Heard Mr. Pawar, learned Counsel for the Applicant and Mr. Deokar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	81 of 2024
2	Date of registration of F.I.R.	04/02/2024
3	Name of Police Station	Daund, District-Pune
4	Section/s invoked	307, 324, 323, 504, 506 & 34 of the <i>I.P.C., 1860</i> .
5	Date of incident	04/02/2024
6	Date of arrest	06/02/2024
7	Date of filing Charge-sheet	Charge-sheet is not filed.

3. As per the prosecution case, there are two Accused persons. There was a scuffle going on between the Accused and a railway passenger and as the said passenger was shouting loudly, the Informant stopped

and told the Accused persons not to fight and let the passenger go. At that time the Applicant and the co-Accused abused and assaulted the Informant with kicks and fist blows and assaulted the Informant with a key and a knife.

4. Mr. Pawar, learned Counsel for the Applicant submitted that the Applicant is a young man aged 21 years. He is working as a labourer. He submits that the role which is assigned to the Applicant is that the Applicant assaulted the Informant with a key. He submitted that there are no antecedents against the Applicant.

5. On the other hand, Mr. Deokar, learned APP strongly opposed the Bail Application. He submitted that investigation is going on and Charge-sheet is not yet filed. He further submitted that the Applicant has assaulted the Informant with a key. Learned APP, after taking instructions, submitted that there are no antecedents against the Applicant.

6. The Applicant is a young man aged 21 years. He was arrested on 6th February 2024. As per the first Informant who is the Injured, the only role which is attributed to the Applicant is that he assaulted the Informant with a key.

7. The Applicant does not have any criminal antecedents.

8. The Applicant does not appear to be at risk of flight.

9. Accordingly, the Applicant can be enlarged on bail by imposing

conditions.

10. In view thereof, the following order:-

ORDER

- (a) The Applicant-Mahesh Manoj Durbhe be released on bail in connection with C.R. No.81 of 2024 registered with the Daund Police Station, District-Pune on his furnishing PR. Bond of Rs.10,000/- with one or two 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 Daund Police Station, District-Pune once in a week, on every Sunday between 11.00 a.m. and 1.00 p.m. till filing of the Charge-sheet and thereafter once in a month i.e. the first Sunday of every month 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.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]