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

BAIL APPLICATION NO.1539 OF 2024

DEEPAK GAUTAM PANDEY

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Hare Krishna Mishra a/w Adv. Kunal Jha for the
applicant.

Smt. G. S. Rao, APP for the State.

PSI-Mr. Bajrang Desai, Samta Nagar Police Station.

CORAM : M. S. KARNIK

DATE : 8 MAY, 2024

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, 341, 120(B), 324,
323, 506, 504, 506(2) read with 34 of the Indian Penal
Code, 1860 (hereafter 'IPC' for short) registered on
13.11.2021 vide FIR No.769 of 2021 with Samta Nagar
Police Station.

3. The earlier Bail Application No.2833 of 2023 filed by the applicant was allowed to be withdrawn on 29.09.2023 with liberty to apply after six months.

4. The date of the incident is 12.11.2021 at 11:30 p.m. The allegation is that the injured witness had gone to the residence of his friend Bharat Chopde and while he was returning therefrom, he was accosted by Vivek Chandra Mohan Singh, Subhash Yadav, the present applicant as well as the other accused. The accused in furtherance of their common intention committed the offence. After abusing the complainant, the accused beat him up with kicks and fist blows and thereafter the applicant hit the complainant on his head, back, stomach and face with a bamboo stick. The applicant was arrested on 02.01.2023. It appears that the applicant has filed the application for anticipatory bail. The application came to be rejected. The applicant finally surrendered on 02.01.2023.

5. Learned APP vehemently opposed the application for bail. It is submitted that the applicant has nineteen criminal antecedents to his discredit. Learned counsel for the

applicant pointed out that in eight of the CRs the applicant has been acquitted. It is noticed that the offences are registered with the Samta Nagar, Bangur Nagar, Borivali and Kandivali Police Stations.

6. There is no dispute that the applicant had himself surrendered, may be after some distance of time from the date of alleged offence. According to learned counsel the applicant, he was pursuing his remedy to secure anticipatory bail. The applicant is now in custody for more than a year and three months. The charge has not been framed. The applicant assaulted the injured witness with bamboo on his head and face. I have perused the injury certificate. The criminal antecedents should not be a factor to deny the facility of bail to the applicant in the facts and circumstances of the case. The investigation is complete and the charge-sheet has been filed. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail on conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Deepak Gautam Pandey in connection with FIR No.769 of 2021 registered with Samta Nagar 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) Except for attending the trial in the present case and other criminal cases, the applicant shall not enter the jurisdiction of Mumbai/Mumbai Suburban district, Palghar and Thane district till the trial concludes.
- (d) The applicant shall furnish details of his contact number and residential address to the trial Court as well as the concerned police station and shall report to the nearest police station at the place of his residence outside aforesaid districts twice a month every first and third Monday of the month between 11:00 a.m. and 1:00 p.m.
- (e) 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.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The bail application is disposed of.

(M. S. KARNIK, J.)