

Anand

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

BAIL APPLICATION NO. 3368 OF 2023

Kisan Rajaram Sonkar

.Applicant

Versus

The State of Maharashtra

.Respondent

 Mr. Tanvir Shaikh, Advocate, for the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent – State

 Mr. Vijay Baban Dubala, Head Constable, B. No. 1428, Boisar
Police Station, present

CORAM : MADHAV J. JAMDAR, J.

DATE : 10.01.2024

P. C.

1. Heard Mr. Shaikh, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing for the Respondent – State.

2. This is an Application filed under Section 439 of the *Code of Criminal Procedure, 1973* for regular bail. The relevant details are as under:-

1	C. R. NO.	88 of 2023
2	Date of Registration of F.I.R.	03.03.2023
3	Police Station	Boisar Police Station, Palghar
4	Sections Applied	307 of the Indian Penal Code, 1860
5	Date of Incident	02.03.2023
6	Date of Arrest	03.03.2023

7	Date of filing of Charge-sheet	09.06.2023
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3. As per the prosecution case, the incident occurred in a spur of the moment. The Applicant who is a labourer, was urinating near the society building where the injured resides. The informant is the father of the injured. As per the F.I.R., the injured questioned the Applicant as to how he could urinate near the society building and in that quarrel, the Applicant assaulted the injured.

4. Mr. Gaikwad, learned APP appearing for the Respondent – State vehemently opposes this Bail Application on the ground that there are eye-witnesses to the incident in question and the injuries sustained by the injured are grievous in nature.

5. Mr. Shaikh, learned Counsel appearing for the Applicant states that Charge-sheet is already filed and the Applicant is incarcerated since 03.03.2023. The Applicant is the only earning member in his family and he has four children. The trial has not commenced yet and charges are not yet framed. The Applicant is a labourer. The Applicant does not have any criminal antecedents. On being released, the Applicant will reside outside the jurisdiction of the Boisar Police Station, Palghar.

6. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents.

7. Mr. Shaikh, learned counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will reside outside the jurisdiction of Boisar Police Station and will reside at one of his relative's - Mr. Ramanand Sonkar's residence i. e. Flat No. 205, Raghupur Building, Near Anand Bus Stop, Palghar (East) - 401 404.

8. The Applicant does not appear to be a flight risk.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

O R D E R

(i) The Applicant - Mr. Kisan Rajaram Sonkar in connection with C. R. No. 88 of 2023 registered with the Boisar Police Station, Palghar shall be released on bail on his furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall not enter the jurisdiction of the Boisar Police Station, Palghar on being released on bail except for reporting to the Investigating Officer, if called;

(iii) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(iv) The Applicant shall report to the Palghar Police

Station, Palghar once every week, on every Sunday between 11.00 a. m. and 1.00 p. m. till the conclusion of trial. The Police Inspector of Palghar Police Station, Palghar to communicate details thereof to the Investigating Officer;

(v) 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;

(vi) The Applicant shall not tamper with evidence;

(vii) The Applicant shall regularly attend the trial;

(viii) The Applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments;

(ix) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Application is disposed of.

[MADHAV J. JAMDAR, J.]