



Diksha Rane

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

**BAIL APPLICATION NO.3508/2023**

AMAR MARUTI MALI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Akshay H. Bankapur for the applicant.  
Mr. B. B. Kulkarni, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : FEBRUARY 26, 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, 323, 504, 143, 148, 149, 427 of the Indian Penal Code (hereafter 'IPC' for short) and under Section 135 of the Maharashtra Police Act registered on 31/5/2022 vide C.R. No.134 of 2022 with Adgaon Police Station, Nashik.
- 3.** There are in all seven accused. The applicant is the accused no.6. The applicant was arrested on 6/6/2022. The first informant placed an order for food item to the accused

No.4 who worked at DM Anda Roll shop. Since the first informant was not being served, the first informant-victim enquired about his order. The accused were annoyed with the first informant insisting for his order whereupon the accused persons got angry and assaulted the informant with iron rods and wooden sticks. The injury which is grievous in nature is attributed to the accused No.1. All other injuries sustained are simple in nature. All accused have been granted bail including the main accused.

**4.** Learned APP while opposing the application for bail invited my attention to the paragraph 8 of the order passed by the trial Court dated 26/9/2023 and submitted that while in jail, the applicant was threatening the jail staff with assault and therefore the offence under Section 353 of the Indian Penal Code is filed in C.R.No.356/2023 registered at Nashik Road Police Station. The applicant was arrested in that offence.

**5.** The investigation is complete. The charge-sheet has been filed. Except the case referred above, there are no criminal antecedents reported against the applicant prior to the registration of the present C.R. against the applicant.

The criminal case registered against him post the present C.R. should not be a factor to deprive the applicant the facility of bail. However, considering that all accused are enlarged on bail, looking at the role of the applicant, further as the applicant is in custody for more than one year and eight months with no possibility of the trial concluding any time soon, I am inclined to enlarge the applicant on bail. The applicant does not appear to be a flight risk. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant- Amar Maruti Mail in connection with C.R. No.134 of 2022 registered with Adgaon Police Station, Nashik, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Adgaon police station, Nashik, once in a month every first 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) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the area of Adgaon Police Station after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly.

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

**6.** The application is disposed of.

**(M. S. KARNIK, J.)**