

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 69 OF 2015**

|                          |     |            |
|--------------------------|-----|------------|
| Vaibhav Jyotiba Shivtare | ... | Applicant  |
| VS.                      |     |            |
| The State of Maharashtra | ... | Respondent |

Mr. Satyavrat Joshi, Advocate for the applicant.  
Ms. Veera Shinde. APP for the State.

**CORAM : MRS. MRIDULA BHATKAR, J.**  
**DATE : 9<sup>th</sup> April, 2015.**

**P.C.**

This Application is moved for bail. The applicant/accused is facing the charges under section 307 r/w. 34 of the Indian Penal Code. The incident of assault has taken place on 9<sup>th</sup> July, 2014 in the afternoon when injured Hanumant Talwar was present in one furniture shop. The applicant/accused arrived there with co-accused. The applicant/accused entered the shop. He took out sickle and assaulted Hanumant on his neck, left forearm, in the armpit of his left forearm and left side of the waist. When injured Hanumant caught hold of the applicant, he anyway managed to run away. The co-accused who brought him there was on the motorcycle also ran away. The applicant/accused was known to the injured. He immediately told his name to the informant Dattatray Vishwas Matkar. The injured was hospitalized and treated. At the instance of the informant, the offence was registered at C.R. No. 121 of 2014 at

Khandala Police Station, Satara. The applicant/accused was taken in custody on 10<sup>th</sup> July, 2014. Hence, this Bail Application.

2. The learned counsel for the applicant submitted that out of four injuries, three injuries were of simple nature and fourth one was grievous. He argued that the applicant/accused is 19 years old. He has no criminal antecedents and he is in prison since July, 2014. He is ready to abide by the conditions imposed by this Court.

3. Learned APP opposed the Bail Application. She submitted that the presence of applicant/accused was evident. The attack was pre-planned and the applicant/accused assaulted the injured with sickle and there were four injuries, which shows that the applicant/accused did not stop but when he was caught by the injured, he stop assaulting.

4. Perused the injury certificate. The injury on the neck below the hairline is grievous injury. Other three injuries are of simple nature. *Prima facie* it shows that the applicant/accused has assaulted the injured and it was pre-planned attack. The grounds of consideration of bail in favour of the applicant/accused are that the applicant does not any criminal antecedents, he is 19 years old and considering the nature of injuries and the period for which he is in prison, I am inclined to grant bail to the applicant/accused. The learned Sessions Judge in his order has observed that if at all the accused is released on bail, then there is

chances that he may influence or threaten the victim, cannot be denied.

Taking this into note, following conditions are imposed:

**ORDER**

- (i) The Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not indulge into any criminal activity.
- (iv) The applicant shall not enter the village for a period of one year.
- (v) The applicant shall not pressurize the victim.
- (vi) The applicant/accused shall make himself available and attend all the Court dates.
- (vii) The applicant/accused shall not abscond and shall furnish his address to the police along with address proof.
- (viii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- (ix) The applicant/accused shall not leave India without the prior permission of the Court.

5. The Application stands disposed of on above terms.

**(MRS. MRIDULA BHATKAR, J.)**