

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.702 OF 2015

Mr. Arun s/o Anant Dhavde

...Applicant

V/s.

The State of Maharashtra

...Respondents.

Mr. A. M. Saraogi for the Applicant.

Mr. Y. M. Nakhawa APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th AUGUST, 2015.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.253 of 2014 registered with the Kasturba Marg Police Station for the alleged offences punishable under sections 307 r/w.34 of IPC and under section 37(1) of the Bombay Police Act.

3. The alleged incident has taken place on 9/8/2014 at about 12 mid night. It is alleged by the complainant that when he was standing in front of a tea stall, the present applicant armed with

chopper came there. He has alleged that Rajesh Mukadi assaulted him with a hockey stick, the present applicant with a chopper and another unknown person was armed with a knife. It is alleged that all the accused abused the complainant in filthy language.

4. Learned Counsel for the applicant states that the applicant has been in custody since his arrest on 10/8/2014. He submitted that considering the nature of injuries, sustained by the complainant, no offence under section 307 of IPC is disclosed. He submits that the injury certificate shows that the injury was caused by a blunt object and hence the prosecution case that the applicant assaulted the complainant with a chopper is false. He submitted that all the injuries are simple in nature. Learned Counsel for the applicant submits that the applicant resides at Virar and will not enter the jurisdiction of Kasturba Marg Police Station.

5. Learned APP opposes the bail application.

6. Perused the charge-sheet and the injury certificate of the complainant-Chandrashekhar Shankar Sutar. On perusal of the injury certificate, it appears that the injuries sustained by the complainant are

simple in nature. It appears that there is CLW on the forehead and that the said injury is also simple in nature. Without going into the merits, as to whether an offence under section 307 of IPC is disclosed or not, considering the material on record and the fact that the applicant has been in custody since 10/8/2014, the applicant deserves to be enlarged on bail on the following terms and conditions:

ORDER

- (i) The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Virar Police Station, Mumbai;
- (iii) The applicant shall attend the Virar Police Station, on first Saturday of every month, between 10.00 a.m to 11.00 a.m., till the conclusion of the trial.
- (iv) The applicant shall not enter the jurisdiction of the Kasturba Marg Police Station till the conclusion of the trial.

(v) An undertaking to the aforesaid clauses ii); iii) and iv) shall be filed by the Applicant, in the Trial Court, within two weeks after his release;

7. The Application is allowed and disposed of in above terms.

8. The aforesaid observations are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)