

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 991 OF 2015

Pankaj Madan Sharma. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Sandeep Singh i/b. Mr. Santosh Singh, advocate for Applicant.

Mr. Y.M. Nakhwa, APP for State.

Mr. Nadaf, PSI, Nalasopara Police Station.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 9, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 5th April, 2014 in Crime No. 716 of 2013 registered at Nalasopara Police Station for offence punishable under Section 307, 143, 147, 148, 149, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that 21/11/2013 Lalchand Jaiswal and Sahil and their associates had threatened and demanded money from vegetable vendors. The complainant took upon himself the cause of the vegetable vendors and hawkers. He alongwith Pravin Sawant went to Nalasopara (West) and enquired with the other accused. At that time, the present applicant was present on the spot alongwith his brother. He started abusing and assaulting the complainant. According to the complainant, when he was trying to pacify the quarrel, the present applicant had stabbed him with a sharp aged weapon. On the basis of his report, Crime No. 716 of 2013. The investigation is completed.

4 The injured was taken to the hospital. It appears that the injured Jitendra Gharat had sustained as many as 7 contused lacerated wounds. The learned Counsel for the applicant submits that the applicant does not have any criminal antecedents. According to him, the complainant had picked up a quarrel with the applicant and

in a fit of rage, the complainant was assaulted. According to the learned Counsel, there is no premeditation nor the applicant has taken undue advantage of the situation.

5 The learned APP submits that the offence was registered on 22/11/2013 and the applicant could be arrested only on 5th April, 2014. He was absconding for about 4 months and therefore, he does not deserve bail.

6 The applicant has been in jail for more than one year. He deserves to be enlarged on bail on certain conditions such that the applicant shall not reside in Nalasopara area. The learned Counsel for the applicant submits that the applicant would reside at Vasai.

7 The above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned

trial Court shall decide the matter uninfluenced by the observations made by this Court.

8 Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- (iii) The applicant shall not reside in Nalasopara area for 6 months.
- (iv) Since the applicant desires to reside in Vasai after his release, he shall report to Vasai Police Station on every Sunday till 6 months. The applicant shall furnish his residential address in Vasai, residential address of his native place, cell phone number, landline number and any other details as required by the investigating agency.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)