

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1026 OF 2015

Sagar Satya Naidu. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. R.V. Gupta, advocate for Applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 24, 2015

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 25th October,
2014 in Crime No. 701 of 2014 registered at Wadala T.T. Police
Station for offence punishable under Section 307, 324 read with
Section 34 of the Indian Penal Code. Investigation is completed and
charge-sheet is filed.

3 It is the case of the prosecution that on 23rd October, 2014, the complainant Palani Kandaswami lodged a report at the police station alleging therein that the complainant is not on talking terms with one Murugan, Dinesh and his friend Ambu, with whom he had quarreled in the past. According to the complainant, on 22nd October, 2014 he had been to Cine Max at Sion Circle for watching film. After the show, they had meals. They had some alcohol. At about 8.30 p.m. they all returned to their respective houses. He reached home and after some time, he had been to fetch his wife and children. He waited there till 11 p.m. He had been to purchase fire crackers for his children. He suddenly heard some noise and at that time, he saw Dinesh who had approached him and started abusing him and assaulting him with fists and stick blows. Dinesh assaulted the complainant with a knife on his left hand. Murgan had also assaulted him with a knife. Thereafter, the Nephew of Murgan, Sagar i.e. the present applicant has also approached him with knife and assaulted on his nose. There was an altercation. He was taken to the

hospital and thereafter, lodged the report, on the basis of which present offence has been registered.

4 Perused the papers of investigation, more particularly, the injury certificate which forms part of the charge-sheet. It appears that the complainant has received about 8 simple injuries. There is contusion on his upper nose, which is described as a simple injury. The associates of the complainant has also received one injury on his posterior side of his head, which is described as simple injury.

5 It appears that there was some altercation between two rival groups. There are no criminal antecedents. The applicant has been in jail for more than 8 months. Hence, he deserves to be enlarged on bail on imposing certain conditions. However, it is made clear that co-accused shall not claim parity with the present applicant.

6 The above observations are prima facie in nature. The same shall not be considered while deciding application for quashing of FIR

or discharge or at the time of trial. The Trial Court shall decide the matter on its own merits in accordance with law uninfluenced by above said observations.

7 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/- with one or two sureties in the like amount.
- (iii) The applicant shall not reside in the jurisdiction of Wadala T.T. Police Station till conclusion of the trial.
- (iv) The applicant shall report to the Wadala T.T. Police Station on 1st Sunday of every month till conclusion of the trial.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)