

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1124 OF 2015

Shri Arvind Maruti Harane

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.A.S. Patil for the Applicant

Mr.J.H. Ramugade, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 17, 2015**

P.C.:

1. This application for bail is moved by the applicant/accused as the applicant/accused is facing charges under section 307 r/w section 504 of the Indian Penal Code in C.R. No.58 of 2015 registered with bhudargad police station, Kolhapur. One Shankar Krishna Harane, who is an injured had informed the police and as per the case of the prosecution, the applicant/accused is the nephew of the informant Shankar Harane and was addicted to liquor and he was quarrelsome. The incident of assault has taken place on 30.4.2015 in the morning. The applicant/accused picked up quarrel with the informant and he abused the complainant. He assaulted him with sickle on his neck. The other persons intervened and thereafter he was taken for treatment. He was arrested on the same day i.e., 30.4.2015. Hence, this bail application.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent. The incident has not taken place in the manner in which it is reported. The injuries sustained by the applicant/accused are simple in nature.

3. The learned Prosecutor while opposing the application has relied on the statements of the injured and also of some eye witnesses. He submitted that there are 2 to 3 eye witnesses. He also relied on the injury certificate.

4. Perused the FIR and the statements of the eye witnesses and also the injury certificate. Prima facie, it shows that the incident of assault has taken place. There was blow on the right side of the neck of the complainant by the applicant/accused. The injury certificate discloses that the injury was simple in nature. It was a sudden attack. In view of this, the applicant/accused is released on bail on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

- iii) The applicant shall not harass the complainant or any member of his family or any of his relatives;
 - iv) The applicant shall stay away from the village for a period of six months;
 - v) In the event of breach of any of the conditions as above, the prosecution is granted liberty to move for forthwith cancellation of the bail.
5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)