

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1185 OF 2015

Balaram Namdeo Tavte .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.G.K.Gole i/b. Ms Meghna Gowalani, Advocate,
for the Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.81 of 2015 registered with the Roha
Police Station, District - Raigad, for the
alleged offences punishable under Sections 307,
323, 324, 504 r/w.34 of the Indian Penal Code,
1870.

3. The incident in question has taken place on 29.05.2015 at 3.30 p.m. when the complainant had gone to the agricultural land for plucking jack fruits. It is alleged that the applicant, who is the uncle of the informant was present there and that there was a quarrel between the parties on account of distribution of jack fruits. It is alleged that Sandesh assaulted the complainant Rupesh and his father Suresh with a koyta and the present applicant is alleged to have given fist and kick blows to Rupesh.

4. Perused the Injury Certificates of Rupesh and Suresh. It appears that Rupesh has sustained a stab injury on his right hand and that his father Suresh has sustained three incised injuries on his abdomen, head and back. The two injuries out of the three injuries are stated to be grievous.

5. Learned counsel for the applicant states that the present applicant is alleged to have assaulted the complainant by fist and kick blows.

6. Learned APP does not dispute the same.

7. Perused the papers. The applicant is alleged to have assaulted only the complainant – Rupesh with fist and kick blows. The Injury Certificate of Rupesh only shows one stab injury on his right hand. In the facts of this case, considering the role of the applicant, the applicant deserves to be enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be released on bail in 81 of 2015 registered with the Roha Police Station, District - Raigad, on executing P.R.Bond in the sum of Rs.10,000/- with one or two solvent

sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case.

8. It is made clear, that the observations are prima facie for the purpose of deciding the application and the learned Judge shall conduct the case on its own merits, uninfluenced by the observations made herein.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)