

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

CRIMINAL BAIL APPLICATION NO.1348 OF 2015

Vikas @ Vikky Murgan Tewar ..Applicant.
vs.
The State of Maharashtra ..Respondent.

Mr.B.G.Tangsali for the Applicant.
Ms.S.D.Shinde,APP. for the State.

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CORAM : A.S. GADKARI, J.**16th November, 2015.****P.C. :**

The applicant is seeking bail in CR No.50/2015 registered with Mankhurd Police Station under Section -307, 143,144,147,148,149,324,326,504,506(2), 395, 397, 427, 109 of the I.P.C. and under Section 37(1) and 135 of the Bombay Police Act read with Section 4 and 27 of the Indian Arms Act. The complainant Akshay Ashok Kanthe in his F.I.R. has stated that on 6.3.2015 at about 8.30p.m. when he and his uncle were chitchatting near the public toilet the original accused No.1 Ganesh was holding knife in his hand and his son Vikas @ Vikky the present applicant was holding a (blade) razor came there. The original accused No.1 gave a blow of knife on his head and the present applicant gave a blow of razor (blade) on the neck of the complainant. The record further discloses that on 7.3.2015

the complainant has given the supplementary statement wherein he has stated that the present applicant was holding sword in his hand and gave a blow on his neck with the same. The medical certificate discloses that the wound which was suffered by the complainant Akshay Kanthe is CLW adm. 8x1 c.m. The learned counsel for the applicant submitted that if the blow would have been given with the help of a sword then it would have been a cut wound and not CLW. He further contended that the seizure panchanama of the clothes of the said victim shows that there were no blood stains on his shirt which was on his person on the day of incident.

2) The learned APP submitted that the sword which has been recovered at the instance of the applicant was having blood stains. She also submitted that there are witnesses to the present incident who stated that the applicant was carrying sword. The witness Laxman Gadila stated that the applicant gave a blow on the neck of the complainant with the aid of sword. The perusal of the record discloses that the Medical Certificate which is at Page 101 is silent about the nature of the weapon used in the crime and the nature of the injury. It also discloses the nature of wound as CLW admeasuring 8x1 cm. In view of the contents of the medical certificate and the change in the version of the

complainant in his said two statements, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- a) The applicant shall be released on bail in CR No.50/2015 registered with Mankhurd Police Station on his furnishing personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- b) The applicant shall attend the Mankhurd Police Station once in every month i.e. on the 1st Monday of every month during the pendency of the trial between 10.00 to 12.00 a.m.
- c) The applicant shall not tamper with the prosecution witnesses and influence them while on bail.
- d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)