

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1603 OF 2015

Yogesh Sadanand Mishra @ Babdyaa ..Applicant
-Versus-
State of Maharashtra ..Respondent

Mr.Charan Panthaliya with Bharat Bhatia for applicant
Ms. M.H.Mhatre, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 21st November 2015.

P.C.

1] The applicant is seeking bail in C.R.No.I-10 of 2015 registered with Hill Line police Station, Ulhasnagar.

2] The complainant Munna Mourya in his F.I.R. has stated that on 1st November 2014, he had a fight with the applicant and other accused persons. The applicant and other accused persons, thereafter, used to abuse and threatened him for withdrawing the case which he had lodged on 1st November 2014 against them. That, on 18th January 2015, at about 12.30 p.m. when he was in his factory, the applicant along with other two persons viz., Bablu Pal

and one unknown person came to him and after abusing him gave fist and kick blows. The applicant, thereafter, took sickle like weapon from the hands of co-accused and tried to inflict blow on the neck of the complainant. The said blow was warded off by the complainant by his hand and, therefore, he sustained injuries on hand. He was admitted to Central Hospital and after he was discharged from the Hospital, he lodged FIR on 22nd January 2015. The learned Counsel for the applicant points out from the supplementary statement of the applicant wherein he has stated that the applicant had given a blow with a sickle like weapon on his right hand and thereafter, the applicant fled away. The Medico Legal Certificate dated 17th March 2015 issued by the Sir J.J.Group of Hospitals Mumbai states the nature of injury as lacerated wound. However, it was stated that it is grievous cut.

3] Learned APP contended that the injury was 4 cms deep and there are two injuries on the right hand palm and right forearm near the wrist. Prima facie it appears that though it has been stated that the said two injuries were 4 cms deep no major blood veins are reported to be cut by the said injury. The other two accused have

already been released on bail. The applicant is in jail since 22nd January 2015. In view of the above, I am inclined to release the applicant on bail. Hence, the following order:-

- (i) The applicant is released on bail on his furnishing P.R.Bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the I.O. of Hill Line Police Station, Ulhasnagar on first Monday of every month between 10.00 a.m. and 12.00 noon;
- (iii) The applicant shall not tamper with and/or influence the prosecution witness;
- (iv) The applicant is allowed in the aforesaid terms;

(A.S.GADKARI, J)