

Anand

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

BAIL APPLICATION NO.1638 OF 2015

Shahrukh Ismail Shaikh .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.P.G.Sarda, Advocate, for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.09.2015

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.114 of 2015 registered with the Vairag
Police Station, Solapur, for the alleged
offences punishable under Sections 307, 324,
427, 504, 506 r/w.34 of the Indian Penal Code,
1870.

3. The complainant Dhondiba alias Anna Sudam Mali has lodged a complaint stating therein, that on 19.07.2015 at about 3.00 p.m. when he was at Hotel Rangoli Bar, Madha road, Vairag, the present applicant and two persons came for lunch to the said hotel. According to the complainant, when a bill of Rs.620/- was presented to the accused, a quarrel ensued between them & him. It is alleged that the said accused went near the counter, to meet Sanjay Jadhav, the owner of the Hotel and started verbally abusing him on account of the excessive bill. It is alleged when the complainant intervened, one Bandu Satpute pulled out a knife and threatened to kill him; when Vicky alias Vikrant Dahitankar pulled the knife from Bandu and attempted to assault the complainant on his head, the blow landed on his thumb, while trying to escape the blow from landing on his head. He has alleged that Bandu Satpute bit him on his

arm and assaulted him with a beer bottle on his head. He has further alleged that the present applicant picked up wooden log from the spot and assaulted him on his back and his legs.

4. Learned counsel for the applicant submits that the incident in question had taken place on the spur of moment. He submits that the applicant is alleged to have assaulted the complainant on his back and leg with a wooden log, which the applicant had picked up from the spot. He submits that the applicant has been in custody since 22.07.2015.

5. Learned APP states that the investigating officer is not present. The matter was adjourned on two earlier occasions. However, even today the investigating officer is not present, despite message being sent to the concerned police station.

6. Perused the Injury Certificate which was produced by the learned counsel for the applicant under the Right to Information Act. It appears that the complainant has sustained a fracture of his left ankle. It also appears that the incident in question has taken place on the spur of moment, in which the applicant picked up a wooden log from the spot. The applicant is not stated to have assaulted the complainant on any vital part of the body.

7. Considering the aforesaid facts and that the applicant is alleged to have caused an injury to the left ankle, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Vairag Police Station, Solapur on every Saturday from 10:00 a.m. to 11:00 a.m. till filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in

accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.