

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2379 OF 2015

Mahesh @ Dandya Baban Gajesinha	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket V Nikam, Adv. for applicant.
Mrs. Veena Shinde, APP for State.
Pratap Giri, PSI, Mundhava Police Station.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 3rd December, 2015.

P.C. :

1. This is an application for bail filed by the applicant who is facing trial in Sessions Case No.508 of 2014. The said case arising from Crime No.56 of 2014, registered at Mundhava Police Station for the offences punishable under Section 307, 323, 504, 506 (2) read with 34 of the IPC.

2. Mr. Nikam, the learned counsel for the applicant submitted that the applicant was arrested on 13th April, 2014 and is in custody till date. He further submitted that the injuries sustained are simple in nature and that the provisions of Section 307 are not prima facie attracted. He, therefore, submits that the applicant is entitled for bail.

3. Ms. Shinde, the learned APP submits that the assailant has been identified by the injured. She further submits that the material on record prima facie shows the involvement of the applicant in the said crime. She submits that considering the gravity of the offence,

the applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by Mr. Nikam, the learned counsel and the learned APP for the State. The records prima facie reveal that on 11th April, 2014 at about 11.45 pm, while the complainant Mahesh and his cousin Vishwas were proceeding towards their house, one person deliberately dashed Vishwas. The said incident led to an altercation. It is alleged that the said person removed a sword which was concealed in the trouser and inflicted several injuries on him. Later, on seeing the people they fled away from the scene.

5. The injured was admitted in Sassoon General Hospital, Pune. The medical certificate reveals that the injuries sustained by the injured are simple in nature. The nature of the injuries sustained by the injured in my considered view would not prima facie attract provisions of Section 307 of IPC. Furthermore the investigation is complete and the chargesheet is already filed before the sessions Court. The applicant is in custody since 13th April, 2014 and his presence is not required in to custody. The applicant is a permanent resident of Pune. Hence there is no possibility of the applicant absconding or thwarting the course of justice.

6. Under these circumstances, the application is allowed on the following terms :

1. In the event of arrest of the applicant in Crime No.56 of 2014 at Mundhva Pune, the applicant shall be released on bail bond of

Rs.25,000/(Rupees Twenty Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Mundhava, Pune.

2. The applicant shall furnish his permanent as well as temporary address, if any, to the investigating officer. The investigating officer shall verify the said address before releasing him on bail.
3. The applicant shall not interfere with the complainant, the injured or the other witnesses in any manner.
4. The applicant shall report to the investigating officer for 7 days between 10 am to 1 pm and further as and when required by the investigating officer for the purpose of the interrogation.
5. The applicant shall not tamper with the evidence or influence complainant and witnesses in any manner.
6. The applicant shall not leave Pune District, till filing of the chargesheet without prior permission of Sessions Court, Pune.

(ANUJA PRABHUDESSAI, J.)