

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

BAIL APPLICATION NO.5 OF 2016

Dhanraj Balaram Mhatre ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. E.B. Dixit i/b. Mr. P.R. Yadav for the Applicant.

Mr. D.P. Adsule, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 12th FEBRUARY, 2016.

P. C. :

This is an application for bail, filed by the aforesaid Applicant, who is facing trial in Sessions Case No.739 of 2015. This case arises from C.R. No.I-120 of 2015 registered at New Panvel Police Station, District-Raigad, for offences punishable under sections 307r/w. 34 of the IPC.

2. The case of the prosecution in brief is that on 7.9.2015 the Applicant assaulted the complainant and inflicted a blow with wooden stick on the head of the complainant. Pursuant to the FIR lodged by the complainant, the aforesaid crime came to be registered. The Applicant was arrested on 12.9.2015. The crime was investigated and

upon completion of the investigation charge-sheet was filed and the case being sessions triable, committed to Sessions Court, Raigad at Alibag. The Applicant had filed bail application before the Additional Sessions Judge, Raigad-Alibag, which came to be dismissed vide order dated 23.12.2015. Hence, the present application.

3. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR prima facie reveals that the Applicant had inflicted a blow of wooden stick on the complainant's head. The medical certificate reveals that the said head injury was simple in nature. The nature of the allegations levelled against the Applicant as well as the nature of the injuries sustained by the complainant, in my considered view do not justify further detention. The Applicant is otherwise a permanent resident of Panvel and there is no possibility of the Applicant absconding.

4. Considering the above facts and circumstances the application for bail is allowed on the following terms and conditions:-

- (i) The Applicant shall be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand only) with one surety to the like amount.

- (ii) The Applicant shall not interfere with the complainant and witnesses in any manner.
- (iii) The Applicant shall not visit Powai, i.e. the place where the complainant is residing, till the evidence of the complainant is recorded.

(ANUJA PRABHUDESSAI, J.)